

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
 AND VARIANCE - N/S Camellia Road,
 310' NW of the c/l Gardenia Road * DEPUTY ZONING COMMISSIONER
 (4422 Camellia Road)
 11th Election District * OF BALTIMORE COUNTY
 5th Councilmanic District *
 Thomas L. Sargent and * Case Nos. 95-304-SPH and
 Thomas O. Frech - Petitioners * 95-311-A

* * * * *

SECOND AMENDED ORDER

WHEREAS, this matter came before the Deputy Zoning Commissioner as combined Petitions for Special Hearing and Variance for that property known as 4422 Camellia Road, located in the Brookhurst community in Perry Hall. In Case No. 95-304-SPH, the adjoining property owner, Thomas L. Sargent, filed the Petition for Special Hearing seeking a determination as to whether Section V.B.6.C of the Comprehensive Manual of Development Policies (C.M.D.P.) was applicable to the subject property, or if Building Permit No. B-214274 which had been issued to the property owner, Thomas O. Frech, for a proposed dwelling on the subject site was in compliance with applicable zoning regulations, policies or the C.M.D.P. The owner of the property simultaneously filed a Petition for Variance in Case No. 95-311-A seeking a series of variances from the Baltimore County Zoning Regulations (B.C.Z.R.) and the Comprehensive Manual of Development Policies (C.M.D.P.) to permit development of the subject property in accordance with Building Permit No. B-214274 and the site plan submitted and accepted into evidence as Petitioner's Exhibit 1.

WHEREAS, a public hearing was held on April 10, 1995 at which numerous individuals appeared in opposition to the Petition for Variance filed by the owner of the property. Inasmuch as the property owner had filed a Petition for Variance, and in view of the opposition expressed at

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the hearing, the Petition for Special Hearing was dismissed as moot, and the Petition for Variance was denied by my Order issued April 25, 1995.

Thereafter, Counsel for the property owner filed a Motion for Reconsideration in Case No. 95-311-A, and requested approval of the previously requested variance from Section 1B01.2.C.2.A of the 1971 to 1992 B.C.Z.R. and Section V.B.5.a of the C.M.D.P. to permit a window to tract boundary setback of 30 feet in lieu of the required 35 feet which would allow a full-sized window to be placed on the north side of the proposed dwelling, opposite the Protestant's home and facing a wooded buffer area. Counsel for the property owner argued that other property owners in this development had been afforded such relief and that numerous other full-sized windows exist throughout this subdivision, as was evidenced in photographs presented at the hearing. While the testimony of the residents in this community was clear that they are adamantly opposed to a variance being granted for windows on Mr. Sargent's side of the proposed dwelling, I believed the granting of a variance for the window on the tract boundary side met the spirit and intent of the zoning regulations and would not result in any detriment to the health, safety or general welfare of the surrounding locale. By Amended Order dated May 17, 1995, the Motion for Reconsideration was granted.

Subsequent to the issuance of my Amended Order, I received letters from the adjoining property owners on both sides of the subject site, namely, Mr. Thomas Sargent and Mr. G. F. Walter, both of whom voiced strong opposition to the variance granted by my Amended Order. Furthermore, it was apparent from the tone of the letters submitted that these residents have a strong dislike for the builder of this house. As noted in their correspondence, the variance requested for this window is a matter of

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CLERK OF SUPERIOR COURT


preference and not a necessity and compliance with the B.C.Z.R. should be maintained. At the time the Amended Order was granted, I believed that there was no opposition to the window that faced the tract boundary, which is the side of the house farthest removed from the Protestant's home.

After due consideration of the arguments presented in the Protestants' correspondence, it is clear that I must reconsider my decision in the Amended Order and am compelled to rescind the relief granted in same.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 31st day of May, 1995 that the Motion for Reconsideration filed in Case No. 95-311-A to approve a modified relief, be and is hereby RESCINDED; and,

IT IS FURTHER ORDERED that a variance from Section 1B01.2.C.2.a of the 1971 to 1992 B.C.Z.R. and Section V.B.5.a of the C.M.D.P. to permit a window to tract boundary setback of 30 feet in lieu of the required 35 feet for a full-sized window on the north side of the proposed dwelling, in accordance with Petitioner's Exhibit 1, be and the same shall hereby be DENIED; and,

IT IS FURTHER ORDERED that there shall be no further reconsiderations in this matter.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: David Meadows, Esquire, 4111 East Joppa Road, Baltimore, Md. 21236
Mr. Thomas O. Frech, 5024 Campbell Boulevard, Baltimore, Md. 21236

Anthony J. DiPaula, Esquire, 604 Bosley Avenue, Towson, Md. 21204
Mr. Thomas L. Sargent, 4420 Camellia Road, Baltimore, Md. 21236

Ms. Marie McCoy, 2519 Moore Avenue, Baltimore, Md. 21234
Ms. Linda M. Kempske, 4428 Camellia Road, Baltimore, Md. 21236
Ms. Nancy S. Dobry, 4426 Camellia Road, Baltimore, Md. 21236
Mr./Mrs. George Walter, Jr., 4424 Camellia Road, Baltimore, Md. 21236
Ms. Catherine Nichols, 9218 Gardenia Road, Baltimore, Md. 21236

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE - N/S Camellia Road, *
310' NW of the c/l Gardenia Road * DEPUTY ZONING COMMISSIONER
(4422 Camellia Road)
11th Election District * OF BALTIMORE COUNTY
5th Councilmanic District *
Thomas L. Sargent and * Case Nos. 95-304-SPH and
Thomas O. Frech - Petitioners * 95-311-A

* * * * *

AMENDED ORDER

WHEREAS, this matter came before the Deputy Zoning Commissioner as combined Petitions for Special Hearing and Variance for that property known as 4422 Camellia Road, located in the vicinity of Perry Hall in the Brookhurst community. In Case No. 95-304-SPH, the adjoining property owner, Thomas L. Sargent, filed the Petition for Special Hearing seeking a determination from this Deputy Zoning Commissioner as to whether Section V.B.6.C of the Comprehensive Manual of Development Policies (C.M.D.P.) is applicable to the subject property, or if Building Permit No. B-214274 for a proposed dwelling on the subject site is in compliance with applicable zoning regulations, policies or the C.M.D.P. In Case No. 95-311-A, the owner of the property, Thomas O. Frech, filed the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) and the Comprehensive Manual of Development Policies (C.M.D.P.) as follows: From Section 1B01.2.C.2.a of the 1971 to 1992 B.C.Z.R. and Section V.B.5.a of the C.M.D.P. to permit a window to tract boundary setback of 30 feet in lieu of the required 35 feet; from 1B01.2.C.2.b of the 1971 to 1992 B.C.Z.R. and Section V.B.6.c of the C.M.D.P. to permit a window to window setback of 20 feet in lieu of the required 40 feet; and from Section 504 of the B.C.Z.R. and Section V.B.6.b of the C.M.D.P. to permit a window to lot line setback of 5 feet in lieu of the required 15 feet for a proposed

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dwelling on the subject property, in accordance with the site plan submitted into evidence as Petitioner's Exhibits 1.

WHEREAS, a public hearing was held on April 10, 1995 at which the legal owner of the property and Petitioner in Case No. 95-311-A, the adjoining property owner and Petitioner in Case No. 95-304-SPH, and numerous other residents appeared and testified. Inasmuch as the property owner had filed a Petition for Variance, the Petition for Special Hearing was dismissed as moot; however, the Petition for Variance relief was denied by my Order issued April 25, 1995.

WHEREAS, subsequent to the issuance of my Order, Counsel for the property owner filed a Motion for Reconsideration as to the Petition for Variance filed in Case No. 95-311-A, and requested approval of the variance relief sought from Section 1B01.2.C.2.A of the 1971 to 1992 B.C.Z.R. and Section V.B.5.a of the C.M.D.P. to permit a window to tract boundary setback of 30 feet in lieu of the required 35 feet for a full-sized window on the north side of the proposed dwelling. Counsel for the property owner argued that other property owners in this development had been afforded such relief and that numerous other full-sized windows exist throughout this subdivision, as was evidenced in photographs presented at the hearing.

After due consideration of the argument presented, and a review of the case file, I am persuaded to grant the Motion for Reconsideration. It is to be noted that the Protestant in this matter enjoys a full-sized window on the side of his dwelling facing a tract boundary. Furthermore, the relief requested for the proposed dwelling is on the tract boundary side of the property facing a wooded buffer area between this development and an adjacent subdivision. While the testimony of the other residents in this community was clear that they are adamantly opposed to any variance

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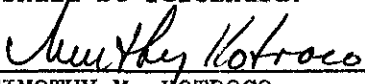
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being granted for this property, the relief requested is for a window on the side of the dwelling not facing another adjoining residence. It appears that the relief requested would not result in any detriment to the health, safety or general welfare of the surrounding locale and should therefore be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 17th day of May, 1995 that the Motion for Reconsideration filed in Case No. 95-311-A to approve a modified relief, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 1B01.2.C.2.a of the 1971 to 1992 B.C.Z.R. and Section V.B.5.a of the C.M.D.P. to permit a window to tract boundary setback of 30 feet in lieu of the required 35 feet for a full-sized window on the north side of the proposed dwelling, in accordance with Petitioner's Exhibit 1, be and the same shall hereby be GRANTED, subject to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: David Meadows, Esquire, 4111 East Joppa Road, Baltimore, Md. 21236
Mr. Thomas O. Frech, 5024 Campbell Boulevard, Baltimore, Md. 21236

Anthony J. DiPaula, Esquire, 604 Bosley Avenue, Towson, Md. 21204
Mr. Thomas L. Sargent, 4420 Camellia Road, Baltimore, Md. 21236

Ms. Marie McCoy, 2519 Moore Avenue, Baltimore, Md. 21234
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Mr./Mrs. George Walter, Jr., 4424 Camellia Road, Baltimore, Md. 21236
Ms. Catherine Nichols, 9218 Gardenia Road, Baltimore, Md. 21236

People's Counsel; Case File

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE - N/S Camellia Road,
310' NW of the c/l Gardenia Road * DEPUTY ZONING COMMISSIONER
(4422 Camellia Road)
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5th Councilmanic District * Case Nos. 95-304-SPH and
Thomas L. Sargent and 95-311-A
Thomas O. Frech - Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as combined Petitions for Special Hearing and Variance for that property known as 4422 Camellia Road, located in the vicinity of Perry Hall in the Brookhurst community. In Case No. 95-304-SPH, the adjoining property owner, Thomas L. Sargent, filed the Petition for Special Hearing seeking a determination from this Deputy Zoning Commissioner as to whether Section V.B.6.C of the Comprehensive Manual of Development Policies (C.M.D.P.) is applicable to the subject property, or if Building Permit No. B-214274 for a proposed dwelling on the subject site is in compliance with applicable zoning regulations, policies or the C.M.D.P. In Case No. 95-311-A, the owner of the property, Thomas O. Frech, filed the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) and the Comprehensive Manual of Development Policies (C.M.D.P.) as follows: From Section 1B01.2.C.2.a of the 1971 to 1992 B.C.Z.R. and Section V.B.5.a of the C.M.D.P. to permit a window to tract boundary setback of 30 feet in lieu of the required 35 feet; from 1B01.2.C.2.b of the 1971 to 1992 B.C.Z.R. and Section V.B.6.c of the C.M.D.P. to permit a window to window setback of 20 feet in lieu of the required 40 feet; and from Section 504 of the B.C.Z.R. and Section V.B.6.b of the C.M.D.P. to permit a window to lot line setback of 5 feet in lieu of the required 15 feet for a proposed

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dwelling on the subject property. This property and relief sought are more particularly described on the site plans submitted in the respective cases, which were marked into evidence as Petitioner's Exhibits 1.

Appearing at the hearing on behalf of the Petition for Special Hearing were Thomas L. Sargent, adjoining property owner, his attorney, Anthony J. DiPaula, Esquire, and numerous other residents of the surrounding community. Appearing on behalf of the Petition for Variance were Thomas O. Frech, legal owner of the property, his attorney, David Meadows, Esquire, and Rick Chadsey, Professional Engineer with George W. Stephens, Jr. & Associates, Inc. Also appearing on behalf of the Petition for Variance were the Contract Purchasers, Ms. Marie McCoy and Mr. Jasper Johnson.

At the onset of the hearing on these matters, a discussion ensued as to whether the Petition for Special Hearing was necessary, given the fact that the owner of the property filed the Petition for Variance seeking relief from the same regulations that Mr. Sargent argues are applicable to this property. It was subsequently determined that the Petition for Variance would address the issues raised within the Petition for Special Hearing and as such, the Petition for Special Hearing was no longer necessary and would be dismissed as moot. The hearing then proceeded on the Petition for Variance.

Appearing and testifying in support of the Petition for Variance was Mr. Rick Chadsey, Professional Engineer. Testimony and evidence offered revealed that the subject property consists of 0.219 acres, more or less, zoned D.R. 5.5 and is presently unimproved. The Petitioner wishes to develop the site with a single family dwelling in accordance with the site plan submitted and marked into evidence as Petitioner's Exhibit 1. The proposed dwelling will be a two-story home with an attached two-car

garage. Because the Contract Purchasers desire windows on the sides of the dwelling, the requested variances are necessary. More specifically, the Contract Purchasers want full-sized windows, including a bay window, on the south side wall of the dwelling facing Mr. Sargent's home. Testimony indicated that at the present time, only small windows, the sill of which will be located 5 feet above the floor in any given room on the south wall of this dwelling, are permitted. Apparently, as Mr. Chadsey testified, the C.M.D.P. regulations which were in effect from 1971 to 1992 and are applicable to this subdivision, do not permit full-sized windows to exist on the sides of this home, given its close proximity to the property line and the home of the adjoining owner. Testimony indicated that the dwelling itself meets all other setback requirements. However, in order to install the full-sized windows desired by the Contract Purchasers, the variances are necessary in order to proceed with development.

Appearing in opposition to the relief requested was the adjoining property owner, Mr. Thomas Sargent, who resides immediately adjacent to the site at 4420 Camellia Road. Mr. Sargent testified that he is adamantly opposed to full-sized windows being installed in the south wall of the proposed dwelling in that they would directly infringe upon the privacy he currently enjoys in his home. The site plan entered into evidence as Petitioner's Exhibit 1 shows that the rear of Mr. Sargent's home is located 20 feet from his rear property line, which is the side property line shared with the subject property. Mr. Sargent testified that the most useable living space is located in the rear of his home, that is the family room, a bathroom, etc., which have full-sized windows. He believes that full-sized windows in the proposed dwelling would allow those resi-

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dents to have a direct view into the rear of his home, which would be a gross intrusion into his privacy.

Furthermore, Mr. Sargent testified that no other homes in the Brookhurst subdivision contain full-sized windows in the sides. In fact, Mr. Sargent asked Mr. Frech whether he could have full-sized windows in his own home at the time of construction and was told that he could not. In addition, other neighborhood residents testified that they were denied the privilege of having full-sized windows on the sides of their homes. The corroborative testimony of the Protestants was that they would like to see the same rules and regulations applied to the subject property as was applied to their respective properties. Clearly, all of the residents in attendance were adamantly opposed to full-sized windows being permitted in the side walls of the proposed dwelling.

After due consideration of the testimony and evidence offered by both the Petitioners, the residents who reside in this community, and the Contract Purchasers of the subject lot, it appears the relief requested must be denied. I find that the Petitioners have failed to satisfy the burden imposed upon them in order to grant the variance. It was clear from the testimony that the desire for full-sized windows on the sides of the proposed dwelling is not out of necessity but is more of a matter of preference. Furthermore, there was no evidence or testimony offered to substantiate or justify the granting of a variance for full-sized windows on the south side of the subject dwelling.

It should also be noted that subsequent to the hearing in this matter, Counsel for the Petitioner submitted a request for withdrawal of the window to window setback of 20 feet in lieu of the required 40 feet to permit full-sized windows in the sides of the dwelling, and the window to

lot line setback of 5 feet in lieu of the required 15 feet for the proposed bay window on the south side of the dwelling. It is clear that the Petitioners have requested a withdrawal of these two variances in an effort to ease tensions in the neighborhood. However, the testimony and evidence offered by all of the residents who appeared in opposition to this request was clear that they are opposed to the granting of any variances in this matter. Furthermore, as noted above, there was insufficient testimony or evidence offered to prove that strict compliance with the zoning regulations would result in practical difficulty or unreasonable hardship for the Petitioners. Therefore, the relief requested in the Petition for Variance must be denied.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, there is insufficient evidence to allow a finding that the Petitioners would experience practical difficulty or unreasonable hardship if the

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requested variance were denied. The testimony presented by Petitioners was in support of a matter of preference rather than of the necessity for the variance. The Petitioners have failed to show that compliance would unreasonably prevent the use of the property or be unnecessarily burdensome. Therefore, the variance requested must be denied.

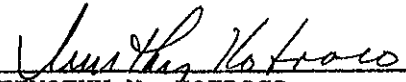
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 25th day of April, 1995 that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) and the Comprehensive Manual of Development Policies (C.M.D.P.) as follows: From Section 1B01.2.C.2.a of the 1971 to 1992 B.C.Z.R. and Section V.B.5.a of the C.M.D.P. to permit a window to tract boundary setback of 30 feet in lieu of the required 35 feet; from 1B01.2.C.2.b of the 1971 to 1992 B.C.Z.R. and Section V.B.6.c of the C.M.D.P. to permit a window to window setback of 20 feet in lieu of the required 40 feet; and from Section 504 of the B.C.Z.R. and Section V.B.6.b of the C.M.D.P. to permit a window to lot line setback of 5 feet in lieu of the required 15 feet for a proposed dwelling on the subject property, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

IT IS FURTHER ORDERED that the Petition for Special Hearing seeking a determination from this Deputy Zoning Commissioner as to whether Section V.B.6.C of the Comprehensive Manual of Development Policies (C.M.D.P.) is applicable to the subject property, or if Building Permit No. B-214274 for a proposed dwelling on the subject site is in compliance

with applicable zoning regulations, policies or the C.M.D.P., be and is hereby DISMISSED AS MOOT.

TMK:bjs


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

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Date 5/25/95
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

April 25, 1995

(410) 887-4386

David Meadows, Esquire
4111 East Joppa Road
Baltimore, Maryland 21236

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
N/S Camellia Road, 310' NW of the c/l Gardenia Road
(4422 Camellia Road)
11th Election District - 5th Councilmanic District
Thomas L. Sargent and Thomas O. Frech - Petitioners
Case Nos. 95-304-SPH and 95-311-A

Dear Mr. Meadows:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been dismissed as moot and the Petition for Variance denied has been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Thomas O. Frech, 5024 Campbell Boulevard, Baltimore, Md. 21236

Anthony J. DiPaula, Esquire,
Covahey & Boozer, 604 Bosley Avenue, Towson, Md. 21204

Mr. Thomas L. Sargent, 4420 Camellia Road, Baltimore, Md. 21236
Ms. Marie McCoy, 2519 Moore Avenue, Baltimore, Md. 21234
Ms. Linda M. Kemske, 4428 Camellia Road, Baltimore, Md. 21236
Ms. Nancy S. Dobry, 4426 Camellia Road, Baltimore, Md. 21236
Mr./Mrs. George Walter, Jr., 4424 Camellia Road, Baltimore, Md. 21236
Ms. Catherine Nichols, 9218 Gardenia Road, Baltimore, Md. 21236

People's Counsel; File

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Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

4422 Camelia Road

which is presently zoned

DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B01.2.C.2.a of the Baltimore County Zoning Regulations (BCZR 1971-1992) and V.B.5.a. of the previous Comprehensive Manual of Development Policies (CMDP to permit a 30' window to tract boundary setback in lieu of the required 35', 1B01.2.C.2.b of the BCZR 1971-1992 and the previous CMDP Section V.B.6.c to permit a window to window setback of 20' in lieu of the required 40', and 504 & V.B.6.b of the previous CMDP to permit a window to lot line setback of 5' in lieu of the required 15' of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or required practical difficulty)

The practical difficulty is created by the shape, size and configuration of the lot which does not permit a marketable product on said property.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

David Meadows

(Type or Print Name)

Signature

4111 East Joppa Road 529-4600

Address Phone No.

Baltimore Maryland 21236

City State Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Thomas O. Frech

Signature

(Type or Print Name)

Signature

5024 Campbell Boulevard

931-4670

Address

Phone No.

Baltimore

Maryland

21236

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Name

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates Next Two Months

ALL OTHER

REVIEWED BY: DATE

ORDER RECEIVED FOR FILING

Date

By

311

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR., & ASSOCIATES, INC.
ENGINEERS
658 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

95-311-A

ZONING DESCRIPTION
LOT 10, BLOCK 4
BROOKHURST, SECTION TWO

Beginning at a point on the north side of Camellia Road which is 50 feet wide at the distance of 308.80 feet west of the center line of the nearest improved intersecting street, Gardenia Road which is 50 feet wide. Being Lot #10, Block A, Section Two, Brookhurst as recorded in Baltimore County Plat Book S.M. 61, Folio 124, containing 0.219 Ac.±. Also known as #4422 Camellia Road and located in the 11th Election District.

NOTE: THE ABOVE DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT TO BE USED FOR CONVEYANCE OR AGREEMENTS.



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-311-A

District 11th Date of Posting 3/27/95
Posted for: Variance
Petitioner: Thomas O. Freck
Location of property: 4422 Camellia Rd, N/S
Location of Signs: Facing road way, on property being zoned
Remarks: _____
Posted by M. Stetler Date of return: 3/31/95
Signature
Number of Signs: 1



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NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case Number:

95-311-A (Item 311)
4422 Camella Road
N/S Camella Road, 310'
NW of c/ Gardenia Road
11th Election District
5th Councilmanic
Legal Owner:

Thomas O. Frech

HEARING: MONDAY

APRIL 10, 1995 at 9:00

Room 118, Old
Courthouse

Variance to permit a 30 ft. window to trap boundary setback in lieu of the required 35 ft.; and to permit a window to window setback of 20 ft. in lieu of the required 40 ft.; and to permit a window to lot line setback of 5 ft. in lieu of the required 15 ft.

LAWRENCE E. SCHMIDT,
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Hand-
icapped accessible; for special
accommodations Please Call
867-3353.

(2) For Informa-
tion concerning the File and/or
Hearing, Please Call 867-3391.

3/22 March 23.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 3/24, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3/23, 1995.

THE JEFFERSONIAN,

A. Henickson

LEGAL AD. - TOWSON

~~Publication~~



Baltimore County
 Zoning Administration &
 Development Management
 111 West Chesapeake Avenue
 Towson, Maryland 21204

receipt

95-311-A

Account: R-001-6150

Number

311

Date

10 March 95

Frech - 4422 CAMELIA Rd

10 March 95

CAH

010 50

080 35

85.00

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MOORE, CARNEY, RYAN and LATLANZI, INC.

01ADJRU268MTCARC

\$85.00

BA CODE 12FMD-10-95

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

March 17, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-311-A (Item 311

4422 Camellia Road

N/S Camellia Road, 310' NW of c/l Gardenia Road

11th Election District - 5th Councilmanic

Legal Owner: Thomas O. Frech

HEARING: MONDAY, APRIL 10, 1995 at 9:00 a.m. in Room 118 Old Courthouse.

Variance to permit a 30 ft. window to tract boundary setback in lieu of the required 35 ft.; and to permit a window to window setback of 20 ft. in lieu of the required 40 ft; and to permit a window to lot line setback of 5 ft. in lieu of the required 15 ft.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: Thomas O. Frech
David Meadows, Esq.

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

March 29, 1995

David Meadows, Esquire
4111 East Joppa Road
Baltimore, Maryland 21236

RE: Item No.: 311
Case No.: 95-311-A
Petitioner: Thomas O. Frech

Dear Mr. Meadows:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on March 2, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", is written over the typed name.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: March 22, 1995

SUBJECT: 4422 Camellia Road

INFORMATION:

Item Number: Combined Comments Item Nos. 301 & 311
Petitioner: Frech/Sargent
Property Size: .219 acre
Zoning: D.R.- 5.5
Requested Action: Special Hearing and Variance
Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

Mr. Thomas L. Sargent has filed a Special Hearing to determine whether permit number B214274 (building permit for 4422 Camellia Road) meets applicable zoning regulations and the policies of the CMDP. The owner of the lot, Thomas O. Frech, has filed a Variance to address the issues raised by Mr. Sargent; therefore, no comment is offered regarding the Special Hearing.

However, regarding the requested Variance, it is clear that the petitioner will need to satisfy the burden imposed upon him to prove practical difficulty and/or unreasonable hardship to justify the granting of the subject Variance.

Prepared by: Jeffrey W. Long

Division Chief: Daryl L. Kerns

PK/JL

MICROFILMED

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: March 27, 1995
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for March 27, 1995
Items 305, 306, 308, 310, 311, 312 and 313

The Developers Engineering Section has reviewed
the subject zoning item and we have no comments.

RWB:sw

RECEIVED
MAY 1 1995

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 03/22/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF MAR. 20, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 304, 305, 306, 307,
308, 310, 311, 312 AND 313. 7

RECEIVED

MAR 24 1995

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File





**Maryland Department of Transportation
State Highway Administration**

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

3-22-95

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: *\$ 311 (CAM)*

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

Ronald Burns, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

MICROFILMED

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: 3/20/95

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: 3/20/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 305
306
308
311 ✓
312

LS:sp

LETTY2/DEPRM/TXTSBP

MICROFILMED

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

July 19, 1995

Ms. Shelia McLendon
2519 Moore Avenue
Baltimore, Maryland 21234

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
N/S Camellia Road, 310' NW of the c/l Gardenia Road
(4422 Camellia Road)
11th Election District - 5th Councilmanic District
Thomas L. Sargent and Thomas O. Frech - Petitioners
Case Nos. 95-304-SPH and 95-311-A

Dear Ms. McLendon:

In response to your letter dated June 7, 1995 concerning the above-captioned matter, the following comments are offered.

I have reviewed the concerns raised in your letter and have come to the conclusion that I must deny your request for reconsideration in this matter. The testimony and evidence offered at the hearing, as well as the strong opposition offered by the surrounding neighbors warranted that all variances for windows in the proposed dwelling be denied. Given the amount of adversity that appeared to exist at the hearing, I do not believe a reconsideration of this matter would prove beneficial to either party in this case. Furthermore, I believe that reopening this case would cause additional tension between the neighbors which would be detrimental to the community as a whole.

Therefore, while I appreciate your interest in this matter, I will not entertain any further requests for reconsideration.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Timothy M. Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Case File



2586-95
6/9/95
ag
TO SJ

**BALTIMORE COUNTY, MARYLAND
OFFICE OF THE BUILDING ENGINEER**

JOB LOCATION 4422 Camellia Rd

DISTRICT: 11 PCT: 9

PERMIT NO. B226100

BLDG. INSP. 887-3953
PLUMB. INSP. 887-3620
ELEC. INSP. 887-3960
SED. CON. INSP. 887-3226
BLDGS. ENG. 887-3373

*Freck Homes, Inc.
5024 Campbell Blvd Ste M.
21236*

STOP WORK NOTICE

I HAVE THIS DAY INSPECTED THIS STRUCTURE AND THESE PREMISES AND HAVE FOUND THE FOLLOWING VIOLATIONS OF THE LAWS OF BALTIMORE COUNTY CODE.

CODE BOLC SEC. _____

all work to cease immediately

In violation of zoning - Reference
95-311A

Contact from Thompson with questions
(Zoning) 887-3351

THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN DATE: 6-23-95
FAILURE TO COMPLY CONSTITUTES A VIOLATION OF COUNTY LAW.

DATE 6-7-95 SIGNED INSPECTOR John M. Altmyer

ALL CORRECTIONS COMPLETE AND APPROVED

DATE _____ SIGNED INSPECTOR _____

DO NOT REMOVE THIS TAG

*MR. TABLON:
Per your REQUEST.*

John M. Altmyer

RECEIVED

JUN 9 1995

ZADM

BALTIMORE COUNTY, MARYLAND
OFFICE OF THE BUILDING ENGINEER

JOB LOCATION 4422 Camellia Rd

DISTRICT: 11 PCT: 9

PERMIT NO. B226100

BLDG. INSP. 887-3953

PLUMB. INSP. 887-3620

ELEC. INSP. 887-3960

SED. CON. INSP. 887-3226

BLDGS. ENG. 887-3373

Frick Home, Inc.
5024 Campbell Blvd Ste M.

21236

STOP WORK NOTICE

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CODE BOL SEC. _____

all work to cease immediately

In violation of zoning - Reference
95-311A

Contact Jim Thompson with questions
(Zoning) 887-3351

THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN DATE: 6-23-95
FAILURE TO COMPLY CONSTITUTES A VIOLATION OF COUNTY LAW.

DATE 6-7-95 SIGNED INSPECTOR Im

ALL CORRECTIONS COMPLETE AND APPROVED

DATE _____ SIGNED INSPECTOR _____

DO NOT REMOVE THIS TAG

Jim
F.Y.I.

THIS IS A REQUEST
From Mr. JARLOW

JMA.

RE: PETITION FOR VARIANCE
4422 Camellia Road, N/S Camellia Road,
310' NW of c/l Gardenia Road, 11th
Election District, 5th Councilmanic

Thomas O. Frech
Legal Owner/Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 95-311-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of March, 1995, a copy of the foregoing Entry of Appearance was mailed to David Meadows, Esquire, 4111 E. Joppa Road, Baltimore, MD 21236, attorney for Petitioner.

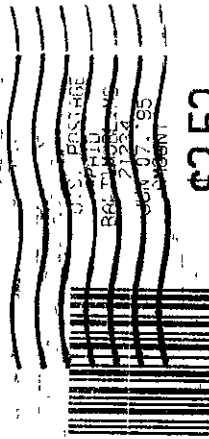
Peter Max Zimmerman

PETER MAX ZIMMERMAN

Mr. Phil McGowan
2519 Moore Avenue
Baltimore Md 21234

Fold at line over top of envelope to the
right of the return address

CERTIFIED



Z 254 741 226

MAIL

**RETURN RECEIPT
REQUESTED**

Baltimore County Zoning Commission
Office of Planning and Zoning
Suite 112 Court House
400 Washington Avenue
Towson Md 21204
Attention: James M. Katoch, Deputy Commissioner

CONFIRMATION
MISSION

TERM ID: ZADM

TEL NO.: 410-857-5708

F-8001

DATE	TIME	DATE	TIME	DATE	TIME
1995	07/19	1995	07/19	1995	07/19
1	1	1	1	1	1

TO:

GWE N

Re: 311

set w/301

Jim

Ref for: John Altmeyer

Tom Freck

931 - 4670

4422 Camellia Rd

stop work -

4/8

3:11

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

2/23/95
JG

HEARINGS

COURT REPORTER:

BALTIMORE COUNTY LIQUOR BOARD

DATE: March 6, 1995
PAGE: 1A - SUPPLEMENTAL PAGE

784-95
JG

<u>NAME AND ADDRESS</u>	<u>TIME</u>	<u>CLASS</u>	<u>REMARKS</u>
Enrico Frank Velleggi E. M. CORPORATION t/a Enrico's 204 East Joppa Road Towson, MD 21204	2:00 p.m. SHOW CAUSE	B (BWL)	Hearing to Show Cause Why License Should Not Be Suspended or Revoked Due to Alleged Violations. ARTICLE 2B - Annotated Code of Maryland Sec. 10-401 - Causes Sec. 10-403 - Procedure
DISTRICT (09) Crockett			RULE 7 - LICENSEE TO RUN HIS OWN BUSINESS

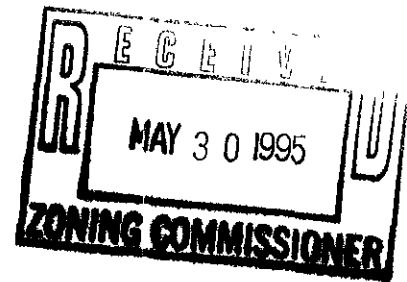
Attorney:

NOTE: The White Marsh Dinner Theatre, Inc. hearing scheduled for 2:00 this date has been postponed and E.M. Corporation has been set in to take their place.

RECEIVED
FEB 23 1995
ZADM

To: Mr. Timothy M. Kotroco
Deputy Zoning Commissioner
for Baltimore County

From: Mr. Thomas Sargent
4420 Camellia Road
Baltimore, MD. 21236



May 24, 1995

Re: Your recent reversal of your decision on case Nos. 95-304-SPH
and 95-311-A

Sir:

I have read the amended order you have issued concerning this variance request and have several questions:

1. Why have you honored this request for reconsideration when at the hearing you stated that the only recourse to your decision would be an appeal?

2. Why have new statements and information given by the consul for Mr. Freck been accepted as fact when many statements and actions by Mr. Freck were revealed to be pure lies and bullshit at the hearing?

3. Why has this information been accepted without the chance of rebuttal by the other residents of the neighborhood?

4. Where is the proof that my side window is in violation? Where are these alleged other windows? Are they even in this neighborhood? Isn't this information a further indictment of Mr. Freck?

5. Where has Mr. Freck shown that he will suffer practical difficulty and or unreasonable hardship? You yourself said that it was obviously just a matter of preference.

6. Why are you cooperating and consenting with someone who knowingly flaunts the rules and regulations you are supposed to enforce? Mr. Freck makes a joke of the rules and ignores proper procedures. He seeks only to profit and cares nothing about the results of his actions.

If this matter is to be reconsidered, let it be done in the proper way, in front of the public at an appeal hearing. Your reputation and that of your department could be damaged by this action.

Sincerely,

Thomas Sargent
Thomas Sargent

Post-It™ brand fax transmittal memo 7671		# of pages	5
To	Tom O. Freck		
From	Tom Sargent		
Co.	Baltimore County		
Dept.	Phone # 287-3351		
Fax # 931-4674	Fax # 931-4674		

MICROFILMED



MOORE, CARNEY, RYAN AND LATTANZI, LLC.

ATTORNEYS AT LAW

4111 E. JOPPA ROAD

BALTIMORE, MARYLAND 21236

(410) 529-4600

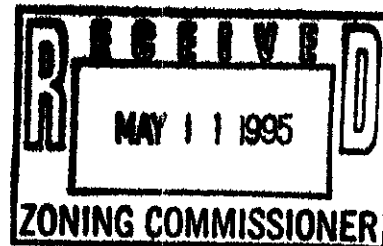
FAX (410) 529-6146

E SCOTT MOORE
(1926-1992)

ROBERT E. CARNEY, JR.
RICHARD E. LATTANZI
JUDITH L. HARCLERODE
RONALD A. DECKER
DAVID M. MEADOWS

LISA M L EISEMANN

May 3, 1995



Mr. Timothy M. Kotroco
Deputy Zoning Commissioner
for Baltimore County
Suite 112 - Courthouse
400 Washington Avenue
Towson, Maryland 21204

Re: Petition for Special Hearing and Variance,
Thomas O. Frech, Petitioner
Case No. 95-311-A

Dear Mr. Kotroco:

I am in possession of the decision of the Zoning Commissioner with regard to the above-referenced case. My clients have requested that I file this Motion for Reconsideration, primarily based upon the photographic evidence presented by Ms. Maria McCoy. If you recall, Ms. McCoy presented a series of photographs as evidence. One of the photographs was of Mr. Sargent's home, which shows a full size window on the side of Mr. Sargent's home which faces the tract boundary. In other words, Mr. Sargent has directly received the same relief which is requested by the variance petition, i.e., request number 1, a reduction in the tract boundary setback in lieu of 35 feet. Also, my clients have requested that I stress the fact that there are numerous other such windows throughout the subdivision as set forth in the photographic evidence.

Very truly yours,

David M. Meadows

cc: Mr. Thomas O. Frech
Anthony J. DiPaula, Esquire

15-95-95-
4/15/95
8
JK

MOORE, CARNEY, RYAN AND LATTANZI, LLC.
ATTORNEYS AT LAW
4111 E. JOPPA ROAD
BALTIMORE, MARYLAND 21236
(410) 529-4600
FAX (410) 529-6146

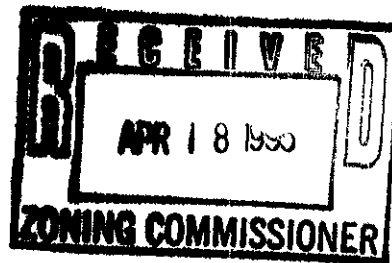
ROBERT E. CARNEY, JR.
RICHARD E. LATTANZI
JUDITH L. HARCLERODE
RONALD A. DECKER
DAVID M. MEADOWS
LISA M. L. EISEMANN

E. SCOTT MOORE
(1926-1992)

April 12, 1995

Mr. Timothy M. Kotroco
Deputy Zoning Commissioner for
Baltimore County
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 95-311-A
4422 Camellia Road



Dear Deputy Commissioner:

Please find enclosed a xerox copy of Petitioner's Exhibit 2, the Building Permit for the above-referenced property. I have returned the original to Mr. Frech, and it will be retained in his file.

After consulting with my client, it is his position that he would like to proceed only on the variance request to allow a thirty-foot window to tract boundary setback in lieu of thirty-five feet. Therefore, we would respectfully draw our request for variance to permit a window-to-window setback of twenty feet in lieu of the required forty feet, and to permit a window-to-lot line setback of five feet in lieu of the required fifteen. In this way we hope to ease tensions in the neighborhood, as the majority of the concern presented at the hearing on April 10 revolved around those two variance requests.

Very truly yours,

David M. Meadows

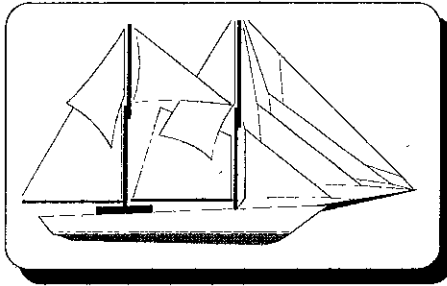
DMM:cl

Enc.

cc: Mr. Thomas Frech
Anthony J. DiPaula, Esquire

MICROFILMED

RECEIVED
APR 14 1995
ZADM



G.F. WALTER
4424 Camellia Rd.
Baltimore, Md. 21236

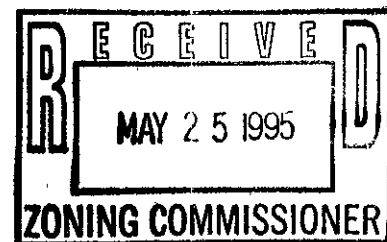
IN RE: PETITIONS FOR A SPECIAL HEARING
AND VARIANCE - N/S Camellia Road,
310' NW of the c/1 Gardenia Road
(4422 Camellia Road)
11th Election District
5th Councilmanic District

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* OF BALTIMORE
* COUNTY
* CASE # 95-311-A

Thomas O. Frech - Petitioner

May 24, 1995

Timonthy M. Kotroco
Deputy Zoning Commissioner
for Baltimore County
Suite 112 Courthouse
400 Washington Ave.
Towson, Md. 21204



Dear Commissioner Kotroco:

As a result of receiving your "AMENDED ORDER" dated May 17, 1995. I feel compelled to submit this letter.

At the public hearing, that was held April 10, 1995 concerning this matter, all of these issues were addressed and many were re-addressed. The result: "FINDINGS OF FACT AND CONCLUSIONS OF LAW" dated April 25, 1995.

May I say that I was very impressed by the way you conducted the hearing and the time and expertise used in rendering your decision.

In the record of the hearing and also on the cover page of the letter to Mr. Meadows, dated April 25, 1995, you made a statement, " In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order." This statement is in writing and is recorded. You made a point to make it clear to all parties at that hearing. They had that right! There were no exceptions made. It is my understanding that if this decision were APPEALED, it would also be a public hearing. This is why I was so astonished when I received the "Amended Order".

It is my belief that we, the people, who were present at the original hearing should be entitled to hear the so called new arguments and see the photos that have been so powerful to change your mind.

I congratulate Mr. Meadows for the job he has done. As a result of Counsel's filing "Motion for Reconsideration", the Commissioner has issued the Amended Order. I am vehemently opposed to such an action. This was not an option for us, the people. And therefore should not be an option for the property owner. These arguments were all heard at the original hearing. The same evidence, nothing has changed. Commissioner, you made your decision. Now Counsel has again, and after the fact, in direct violation of your own guidelines, and in private, re-submitted the same arguments.

"THE FINDING OF FACTS AND CONCLUSIONS OF LAW" were quite clear in your April 25, 1995 decision. And unless Counsel for the property owner takes the steps which were mandated by the Commissioner, any changes should not, and according to the Commissioner cannot be made.

The Counsel for the property owner should be careful in using photographs and arguments such as:

1. Other property owners had been afforded such relief.
2. Mr. Sargent has a full size window on the side of his house.

Mr. Commissioner, you must remember that in the Motion for Reconsideration, the arguments and statements are coming from the Counsel for the property owner and property

owner. Please let me remind you that at the public hearing they tried numerous times to submit false statements. This is a matter of record.

All of these arguments were addressed in the original hearing. Now they include some very erroneous assumptions. There are no windows in houses which border the so called tree-line. The sides of these houses are all within 35' of such boundary. This would be in violation of Section 1B01.2.C.2a of the 1971 to 1992 B.C.Z.R. and Section V.B. 5a of C.M.D.P. In the case of Mr. Sargent's side window, if it is more than 35' from the tract boundary it is legal and has no bearing on this case. If it is less than 35', it is not legal. But before this argument is used, maybe the Counsel for the property owner should ask his client if he asked for a variance, did he get a variance or did he just put the window there, again another violation of the Baltimore County Zoning Regulations. Mr. Frech is now involved in another attempt to deceive the Commissioner. The same goes for all the houses with side windows. They are either within B.C.Z.R. rules & regs. or Mr. Frech has again violated B.C.Z.R. & C.M.D.P. regulations.

I have lived here for 5 years and I do not remember seeing any notices for Variances in this neighborhood, until the notice for April 10, 1995. And I am very certain that those variances would not have been applied for if it had not been for Mr. Sargent. The house was built. The windows were there.

Commissioner, I know, for a fact, you have been given more false statements and information. Using the argument "that other property owners in this development had been afforded such relief and that numerous other full-size windows exist throughout this sub-division". Two wrongs don't make a right, three wrongs don't make a right, etc. Just because this builder has gotten away with violations in the past should not mean it's all right to do it again. He did not make the RULES & REGULATIONS. You did not make them. I did not make them. They were made by people for the good of the majority.

The whole crux of the matter is that Mr. Frech sold this house to Ms. McCoy, knowing that it did not meet the zoning regulations. Mr. Frech built this house. Then he applied for the variances. Now, he and his Counsel have convinced the Commissioner that it would be a hardship for them, that it would not result in any detriment to the health, safety or general welfare of the surrounding locale. Again I congratulate Mr. Meadows, he has again been able to confuse the issue. Mr. Commissioner, in your original decision, you stated, " It was clear from

the testimony that the desire for full-sized windows on the sides of the proposed dwelling is not out of necessity but is more of preference." and " Furthermore, as noted above, there was insufficient testimony or evidence offered to prove that strict compliance with the zoning regulations would result in practical difficulty or unreasonable hardship for the Petitioners." and "The testimony presented by Petitioners was in support of preference rather than of the necessity for the variance. The Petitioners have failed to show that compliance would unreasonably prevent the use of the property or be unnecessarily burdensome."

If I would build a swimming pool in my back yard, and then come before you, Commissioner, and ask for variances, do you think they would be approved. Is it not correct to say, that you submit your plans, get the variances approved, and then build?

The dwelling in question was sold with windows on the side, including a bay window. The original building permit was falsely applied for. Ms. McCoy testified in the original hearing that the bay window and other side windows were in the contract. The building was constructed. And then, and not until the windows were installed on both sides of the dwelling were the variances applied for.

Mr. Commissioner, I would like to quote from your Amended Order, ".... the testimony of the other residents in this community was clear that they are adamantly opposed to any variance being granted for this property." There is no reason to believe otherwise. We are still adamantly opposed to any variance being granted.

Thank you for your time and consideration in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read 'G.F. Walter', written in dark ink.

G.F. Walter

To: Mr. Timothy M. Kotroco
Deputy Zoning Commissioner
for Baltimore County
and
Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

From: Mr. Thomas Sargent
4420 Camellia Road
Baltimore, MD. 21236

June 21, 1995

Re: Case Nos. 95-304-SPH and 95-311-A , and SECOND AMENDED ORDER
concerning the same.

I have received a copy of the Second Amended Order denying a
variance request to allow full sized windows to be installed when
the windows would be only 30 feet from the tract boundary instead
of the required 35 feet. This order was issued May 31, 1995.

In spite of this order the work on the house in and around the
subject windows has continued. The full size windows remain
installed. A stop and desist order was posted after Mr Walters
complained, and then taken down mid-day Sunday by someone other
than a County Official. Dry wall material has been installed around
the subject windows and finished. Other work is proceeding at the
jobsite including instillation of wood trim.

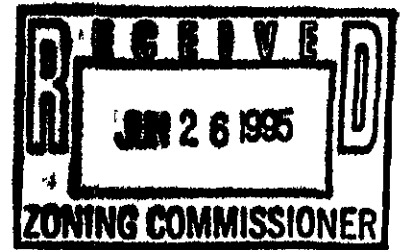
Clearly Mr. Frech intends to continue to flaunt the rules of
the County even though he knows that he is in violation.

Are you going to allow him to continue the work and then claim
that it would be an economic hardship to replace them? Why is the
stop work order not being enforced?

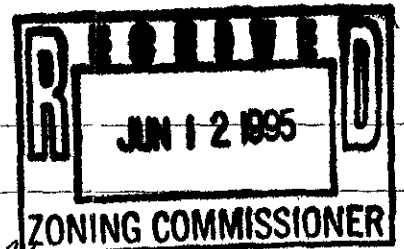
Your attention in this matter will be appreciated.

Thomas Sargent

Thomas Sargent



June 7, 1995



Baltimore County Zoning Commissioner
Office of Planning and Zoning
Suite 112 Courthouse
400 Washington Avenue
Towson Maryland 21204

Attention: Timothy M. Katrocis

Ref: Petitions for Special Hearing
and Variance - w/s Camellia Road
301' NW of the c/i Gardemia Road
(4422 Camellia Road)
11 Election District
5th Councilmanic District
Case Nos 95-304 SPH and 95-311-A

Dear Mr. Katrocis

This is in response to your correspondence
dated May 31, 1995.

Please be clear that the side
in question is not in view of the
Sargents or Walters residents. They would
have to come on to the property of 4422
Camellia Road to view the side windows.

If they have strong dislike for the builder why did they not appeal the numerous of other side windows placed in the development after their homes were built. Remember the Sargents have a side window which the Walters did not appeal or have a problem with.

This development has approx 30 homes with side windows. Why should these two families make a decision for windows which are not in their view?

It appears that the strong dislike for the builder is based on whom the contract of 4422 Camellia Road was granted to. It's OK for a black family to be around the corner but not next door. I have tried to overlook this because it is 1995 not 1965.

I ask that you reconsider the of your decision on the 35 feet instead of 30 feet. Base your decision on what's fair not the Walters or Sargents protest for windows which are not in their view.

Thank you for your time regarding this matter. Please advise what other actions can be taken. Civil suit or whatever.

(over)

4418

Camellia Road

Side window
4420
Back
Front
Side

back
4422
Side
Front
Side in front

both windows
4426
Back
Front
Side

4424

front

another development
numbers on level.

Sincerely,
Shelia McLendon
2519 More Avenue
Baltimore Md 21234

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

ANTHONY J. DiPAULI, Esq.

614 Boney Ave. - Towson, MD 21204

THOMAS SARGENT

4420 CAMELLIA RD, BALTO MD 21236

JANE SARGENT

4420 CAMELLIA RD BALTO 21236

Linda M Kempke

4428 CAMELLIA Rd BALTO 21236

Nancy S Dobry

4426 Camellia Rd Balto 21236

JOSEPH E. MENIKHEIM, JR.

4414 CAMELLIA RD BALTO 21236

June M. WALTER

4424 CAMELLIA RD. BALTO. MD. 21236

GEORGE F. WALTER JR

4424 CAMELLIA RD 21236

Catherine Nichols

9218 Hardenia Rd. 21236

* Marie McCoy 2519

Moore Ave 21234
Balto

MICROFILMED



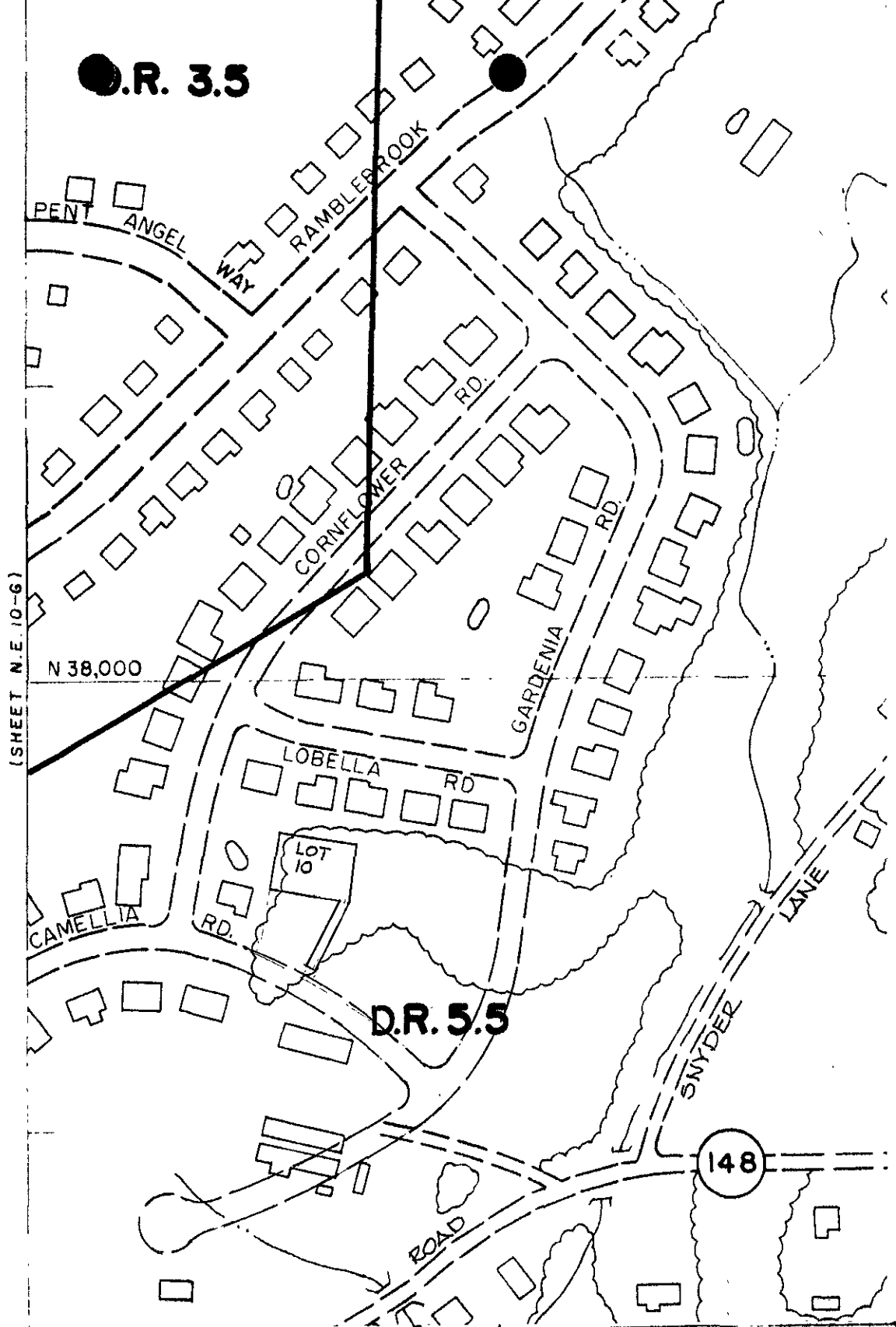
MICROFILMED

95-311-A

LOT 10, BLK. 'A'
BROOKHURST
SECTION TWO

BALTO. CO., MD. ELECT. DIST. #11
SCALE: 1" = 200' FEB. 2, 1985

● R. 3.5



LOT 10, BLK. 'A'
BROOKHURST
SECTION TWO

BALTO. CO., MD. ELECT. DIST. #11
SCALE: 1"=200' FEB. 2, 1995

SCALE

1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION

PERRY HALL

VICINITY

95-311-A

SHEET

N.E.

10-H

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: #4422 CAMELIA ROAD

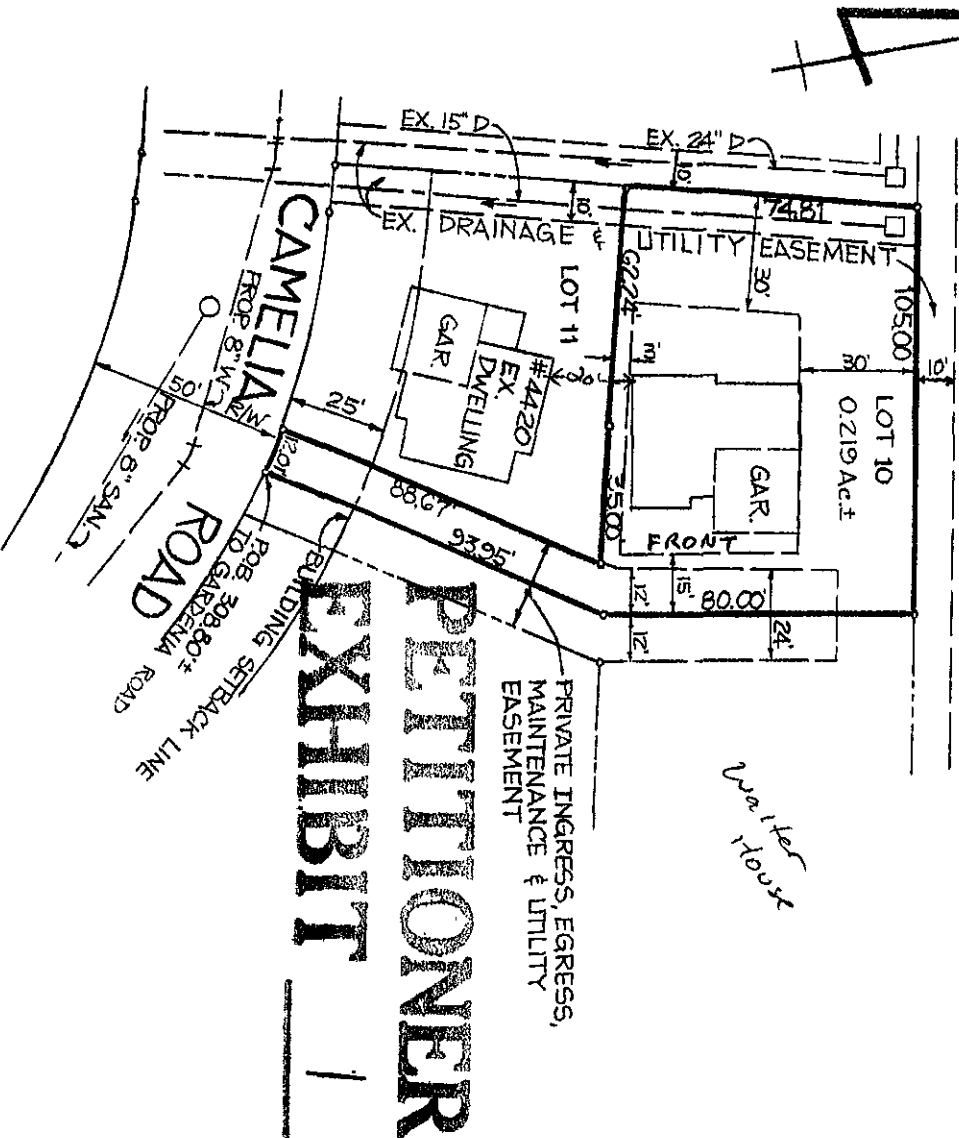
see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: BROOKHURST

plat book# 61, folio# 124, lot# 10, section# TWO

95-311-A

OWNER: FRECH HOMES, INC.



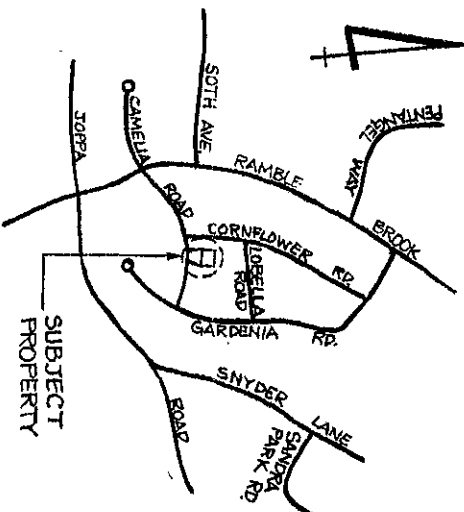
Walker House

PETITIONER'S EXHIBIT 1

date: 2-1-95

prepared by: R.B.B.

Scale of Drawing: 1" = 50'



Vicinity Map
scale: 1"=1000'

LOCATION INFORMATION

Councilmanic District: 5

Election District: 11

1"-200' scale map#: NE10 D

Zoning: DR 5.5

Lot size: 0.219 Ac± 9539.64 SF
acreage square feet

MICROFILMED

- | | | |
|--|-------------------------------------|--------------------------|
| | Public | Private |
| SEWER: <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| WATER: <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Chesapeake Bay Critical Area: ☐ YES ☒ NO

Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:

311



BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND LICENSES

TOWSON, MARYLAND 21204

John R. Reing
BUILDINGS ENGINEER

BUILDING PERMIT

PERMIT #: B226100 CONTROL #: NR DIST: 11 PREC: 09
DATE ISSUED: 03/02/95 TAX ACCOUNT #: 2100009783 CLASS: 04

PLANS: CONST 2 PLOT 0 R PLAT 0 - DATA 0 ELEC YES PLUM YES
LOCATION: 4422 CAMELLIA RD
SUBDIVISION: BROOKHURST

OWNERS INFORMATION

NAME: FRECH HOMES, INC.
ADDR: 5024 CAMPBELL BLVD., STE. M 21236

TENANT:

CONTR: FRECH HOMES, INC.

ENGR:

SELLR:

WORK: CONSTRUCT SFD WITH AN ATTACHED 2 CAR GARAGE
AND FIREPLACE. OUTSIDE PROJECTION OF CHIMNEY
NOT TO EXCEED 4X10. 44'4X42X34=4055 SF. 5 BEDRM
THIS PERMIT CANCELS B214274. CHANGE IN CONST.
TO INCLUDE SIDE WINDOWS. REFER BACK FOR SITE
PLANS. PERMIT EXPIRES 10/20/95.

BLDG. CODE: BOCA CODE

RESIDENTIAL CATEGORY: DETACHED OWNERSHIP: PRIVATELY OWNED

ESTIMATED \$ PROPOSED USE: SFD
85,000.00 EXISTING USE: VACANT LOT

TYPE OF IMPRV: NEW BUILDING CONSTRUCTION

USE: ONE FAMILY

FOUNDATION: BLOCK

SEWAGE: PUBLIC EXIST

BASEMENT: FULL

WATER: PUBLIC EXIST

LOT SIZE AND SETBACKS

SIZE: .219 AC

FRONT STREET:

SIDE STREET:

FRONT SETB: 20

SIDE SETB: 5/30

SIDE STR SETB:

REAR SETB: 45

ADMS
NOTICE TO BUILDERS
IS PART OF THIS PERMIT

PETITIONER'S
EXHIBIT 2

MICROFILMED

PERMIT #: B214274

DIMENSIONS - INSTALL. FIXTURES

	BUILDING SIZE
GARBAGE DISP: Y	FLOOR: 4055
POWDER ROOMS: 0	WIDTH: 44'4"
BATHROOMS: 2	DEPTH: 42
KITCHENS: 1	HEIGHT: 34
	STORIES: 2&BA

LOT NOS: 10
CORNER LOT: N

LOT SIZE AND SETBACKS

SIZE: .219AC
FRONT STREET:
SIDE STREET:
FRONT SETB: 20
SIDE SETB: 5/30
SIDE STR SETB:
REAR SETB: 4'

ZONING INFORMATION

DISTRICT:	BLOCK:
PETITION:	SECTION:
DATE:	LIBER: 006
MAP:	FOLIO: 124
	CLASS: 04

ASSESSMENTS

LAND: 0047640.00
IMPROVEMENTS: 0000000.00
TOTAL ASS.:

PLANNING INFORMATION

MASTER PLAN AREA: SUBSEWERSED: CRITICAL AREA:

DATE APPLIED: 10/05/94 INSPECTOR INITIALS: 11R
FEE: \$221.00 PAID: \$221.00 RECEIPT #: A231621
PAID BY: APPL.

(I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE, AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS)

COMPANY OR OWNER

DATE

ADDRESS

AGENT _____
OWNER _____

SIGNATURE OF APPLICANT

PHONE

PROTESTANT'S
EXHIBIT NO. 2

APPLICATION FOR BUILDING PERMIT

PERMIT # **15214274** CONTROL #: NR DIST: 11 PREC: 09

LOCATION: 4422 CAMELLIA RD
 SUBDIVISION: BROOKHURST
 TAX ASSESSMENT #: 2100009783

OWNERS INFORMATION

NAME: FRECH HOMES, INC.
 ADDR: 5024 CAMPBELL BLVD., STE. M, 21236

APPLICANT INFORMATION

NAME: WILLIAM DRYER
 COMPANY: FRECH HOMES, INC.
 ADDR1: 5024 CAMPBELL BLVD., STE. M
 ADDR2: BALTIMORE, MD, 21236
 PHONE #: 931-4670 LICENSE #:

NOTES

COP/VLC

TRACT: BLOCK:
 PLANS: CONST PP PLOT 7 R PLAT 0 DATA 0 ELEC YES PLUM YLS
 TENANT:
 CONTR: FRECH HOMES, INC.
 ENGR:
 SELLER:
 WORK: PP#93-441-94. "PORTCHESTER". CONSTRUCT SFD
 W/TWO CAR GARAGE & FIREPLACE. OUTSIDE
 PROJECTION NOT TO EXCEED 4X10. 5 BEDROOMS
 44'4"X42'X34'=-4055SF **NO SIDE WINDOWS.**

PROPOSED USE: SFD
 EXISTING USE: VACANT LOT

BLDG. CODE: BOCA CODE
 RESIDENTIAL CATEGORY: DETACHED OWNERSHIP: PRIVATELY OWNED
 ESTIMATED COST OF MATERIAL AND LABOR: 85,000.00

TYPE OF IMPRV: NEW BUILDING CONSTRUCTION
 USE: ONE FAMILY
 FOUNDATION: BLOCK
 SEWAGE: PUBLIC EXIST
 CONSTRUCTION: WOOD FRAME
 CENTRAL AIR: YES

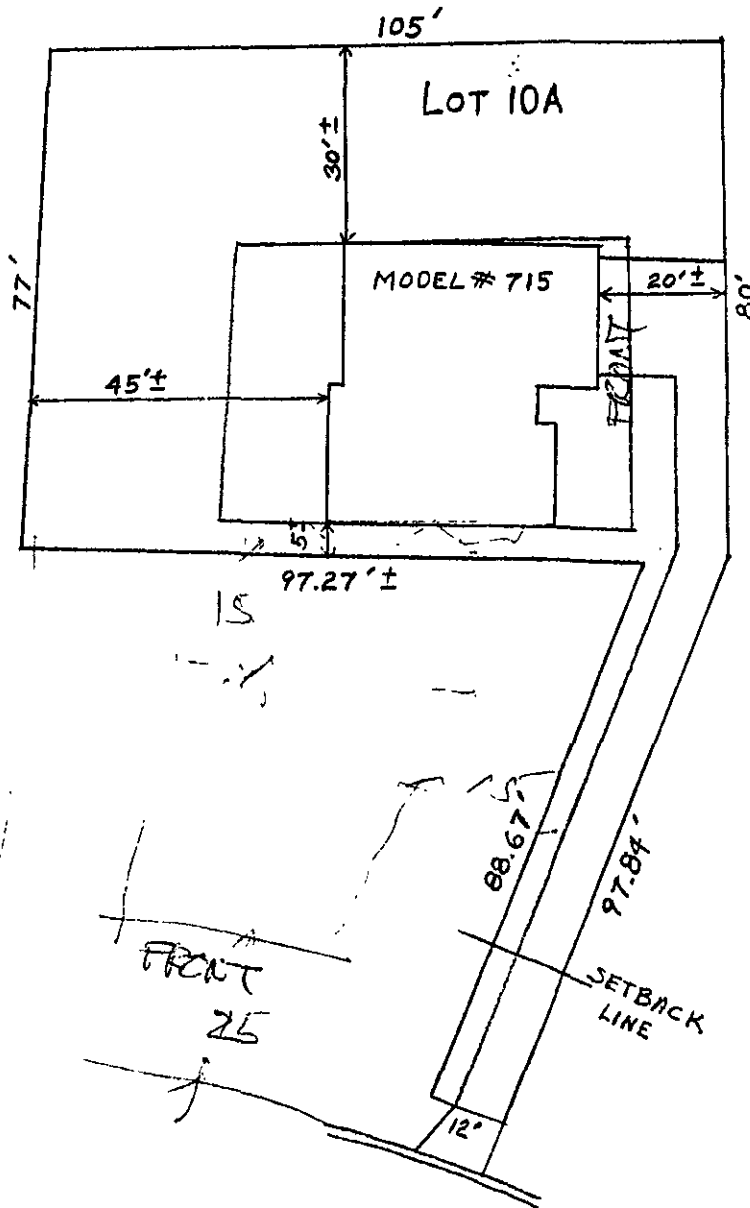
BASEMENT: FULL
 WATER: PUBLIC EXIST
 FUEL: ELECTRICITY

SINGLE FAMILY UNITS
 TOTAL 1 FAMILY BEDROOMS 5
 MULTI FAMILY UNITS
 EFFICIENCY (NO SEPARATE BEDROOMS): NO. OF 1 BEDROOM:
 NO. OF 2 BEDROOMS: NO. OF 3 BEDROOMS OR MORE:
 TOTAL NO. OF BEDROOMS: TOTAL NO. OF APARTMENTS

HOUSE NO.: 4422
LOT NO.: 10A
MODEL: 715

P.5

01 ✓
10-5-90



PLOT PLAN

Lot # 10A

Address: 4422 Carmellia Road

BROOKHURST SUBDIVISION

**Baltimore County, Maryland
Election District 11**

Scale 1"=30' Date: 10/3/94

The minimum setback of 22 feet to be held from the street right-of-way to the garage or carport entered directly from the street.

January 19, 1995

To: Thomas Frech
Logos Homes
5024 Campbell Blvd. Suite M
Baltimore, MD, 21236

From: Thomas Sargent
4420 Camellia Rd.
Baltimore, MD 21236

Mr. Frech;

This letter is a follow up to a conversation we had on January 17 concerning workers repeatedly walking across our lawn while building a new home behind our house. This practice is ruining our grass and must stop immediately. Worse yet they have been belligerent and unpleasant when we repeat our requests that they stop. Your intervention in this matter will be greatly appreciated.

Also per our conversation I will proceed to get quotes and erect a fence on the back property line. The new fence will be similar in height and appearance to other fences in the neighborhood. I appreciate your consent, and indication of possible assistance in the cost of the fence.

Finally I see that there are several windows on the side of the house facing my house, all of which are not allowed per your building permit # B214274. Installing non see through glass is not acceptable, since the glass could easily be changed in the future.

Your immediate attention in this matter will be appreciated.

Yours truly,

Thomas Sargent

PROTESTANTS
EXH. NO. 3

MICROFILMED

new house

Bay Window

18' 11"

MICROFILMED

PROTESTANT'S
EXHIBIT NO. 4A

existing house

new house

BAY WINDOW

PROTESTANTS
EXHIBIT NO. 4B

PROTESTANTS
EXHIBIT NO. 4B

55°

83

existing house

new permit 11000 3/2/95
APPLICATION FOR BUILDING PERMIT

PERMIT #: B226100 CONTROL #: NR DIST: 11 PREC: 09

LOCATION: 4422 CAMELLIA RD
SUBDIVISION: BROOKHURST
TAX ASSESSMENT #: 2100009783

OWNERS INFORMATION

NAME: FRECH HOMES, INC.
ADDR: 5024 CAMPBELL BLVD., STE. M 21236

APPLICANT INFORMATION

NAME: WILLIAM DRYER
COMPANY: FRECH HOMES, INC.
ADDR1: 5024 CAMPBELL BLVD., STE. M
ADDR2: BALTIMORE, MD. 21236
PHONE #: 931-4670 LICENSE #:

NOTES
RSK

TRACT: BLOCK:
PLANS: CONST 2 PLOT 0 R PLAT 0 DATA 0 ELEC YES PLUM YES
TENANT:
CONTR: FRECH HOMES, INC.
ENGR:
SELLR:
WORK: CONSTRUCT SFD WITH AN ATTACHED 2 CAR GARAGE
AND FIREPLACE. OUTSIDE PROJECTION OF CHIMNEY
NOT TO EXCEED 4X10. 44'4X42X34=4055 SF. 5 BEDRM
THIS PERMIT CANCELS B214274. CHANGE IN CONST.
TO INCLUDE SIDE WINDOWS. REFER BACK FOR SITE
PLANS. PERMIT EXPIRES 10/20/95.

PROPOSED USE: SFD
EXISTING USE: VACANT LOT

BLDG. CODE: BOCA CODE
RESIDENTIAL CATEGORY: DETACHED OWNERSHIP: PRIVATELY OWNED
ESTIMATED COST OF MATERIAL AND LABOR: \$5,000.00

TYPE OF IMPRV: NEW BUILDING CONSTRUCTION

USE: ONE FAMILY

FOUNDATION: BLOCK	BASEMENT: FULL
SEWAGE: PUBLIC EXIST	WATER: PUBLIC EXIST
CONSTRUCTION: WOOD FRAME	FUEL: ELECTRICITY
CENTRAL AIR: YES	

SINGLE FAMILY UNITS

TOTAL 1 FAMILY BEDROOMS 5

MULTI FAMILY UNITS

EFFICIENCY (NO SEPARATE BEDROOMS): NO. OF 1 BEDROOM:

NO. OF 2 BEDROOMS: NO. OF 3 BEDROOMS OR MORE:

TOTAL NO. OF BEDROOMS: TOTAL NO. OF APARTMENTS:

PROTESTANT'S
EXHIBIT NO. 5

PERMIT #: B226100

DIMENSIONS - INSTALL FEATURES

GARBAGE DISP. Y	BUILDING SIZE
POWDER ROOMS: 0	FLOOR: 4055
BATHROOMS: 2	WIDTH: 44'4"
KITCHENS: 1	DEPTH: 42
	HEIGHT: 34
	STORIES: 2&BA

LOT NOS: 10
CORNER LOT: N

LOT SIZE AND SETBACKS
SIZE: .219 AC
FRONT STREET:
SIDE STREET:
FRONT SETB: 30
SIDE SETB: 5/30
SIDE STR SETB
REAR SETB: 45

ZONING INFORMATION

DISTRICT:	BLOCK:
PETITION:	SECTION:
DATE:	LIBER: 006
MAP:	FOLIO: 124
	CLASS: 04

ASSESSMENTS

LAND:	0047640.00
IMPROVEMENTS:	0000000.00
TOTAL ASS.:	

PLANNING INFORMATION

MASTER PLAN AREA: SUBSEQUENCED: CRITICAL AREA.

DATE APPLIED: 02/21/95	INSPECTOR INITIALS: 11R	
FEE: 454.00	PAID: 454.00	RECEIPT: A745437
PAID BY: APPL.		

(I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE. AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS)

COMPANY OR OWNER

DATE

ADDRESS

AGENT ____
OWNER ____

SIGNATURE OF APPLICANT

PHONE

Issued 2 March 1995

To: Baltimore County Zoning Board:

From: Residents of Brookhurst North, section 2

To whom it may concern;

During the course of purchase and construction of our home, we understood that no windows were allowed if there was to be less than 40 feet between windows on adjoining homes. This was information given by Logos homes. Some of us were denied bay windows, and regular side windows based on this information.

The new home now being built at 4422 Camellia Road has 5 windows on one side facing the rear of 4420 Camellia, and only 18 to 20 feet separate the homes.

Clearly this is inconsistent with what we have been told in the past regarding County rules and regulations, and we see no reason why there should be an exception for the home at 4422 Camellia.

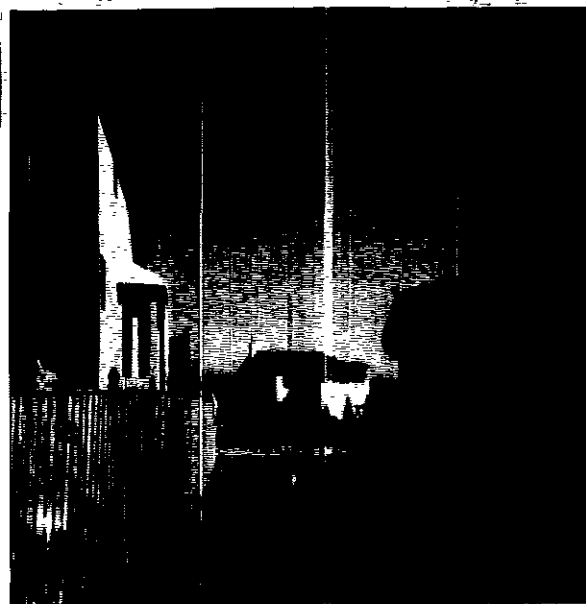
Name	Address	Date
Richard + Darlene Cuomo	4419 Camellia Rd	3/12/95
✓ Steve + Nancy Deby	4426 Camellia Rd.	3/12/95
Jack + Ellen Nehmsmann	4421 Camellia Rd	3/12/95
Angelo + Annette Sant Anton	4423 Camellia Rd	3/12/95
Jerry + Sharon Sacro	9202 GARDENIA RD.	4/9/95
✓ James + Joyce + Walter Jr	4424 Camellia Rd	4/9/95

**PROTESTANTS
EXHIBIT NO. 7**

MICROFILMED

Protestants
Exhibits 1A-1F
and
6A-6D
photographs

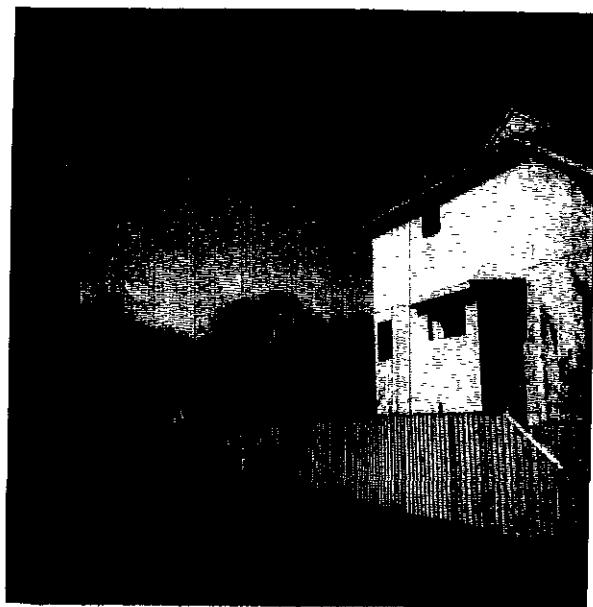
PROTESTANTS



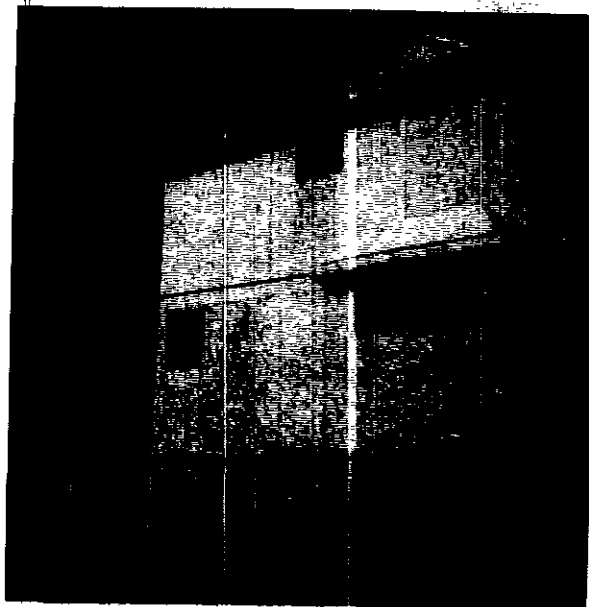
1.00

1B

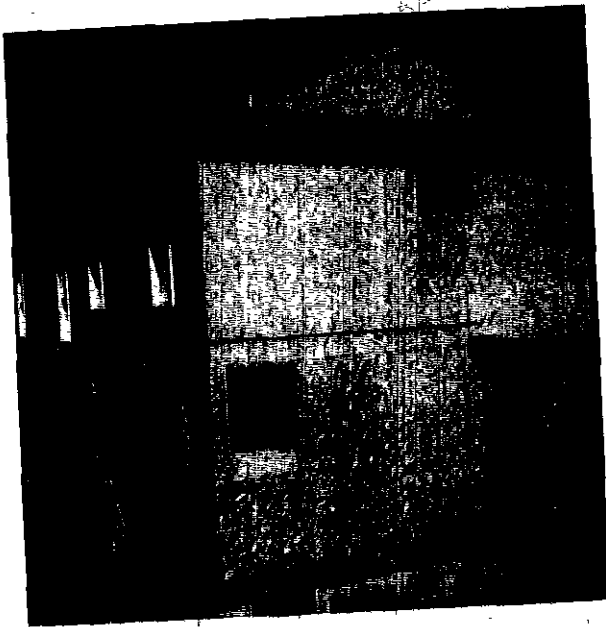
PROTESTANT'S
EXHIBIT NO. 1A



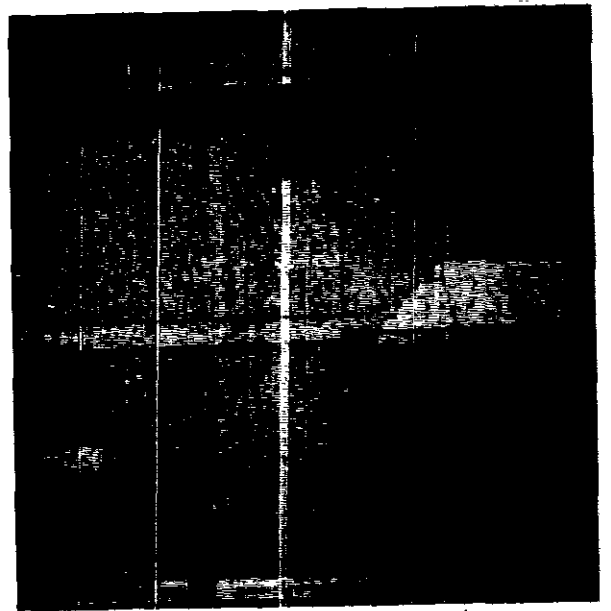
1C



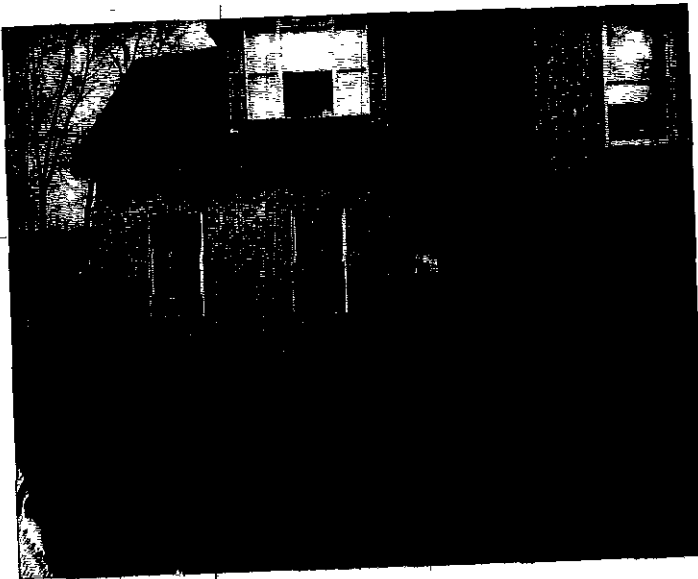
1D



1F



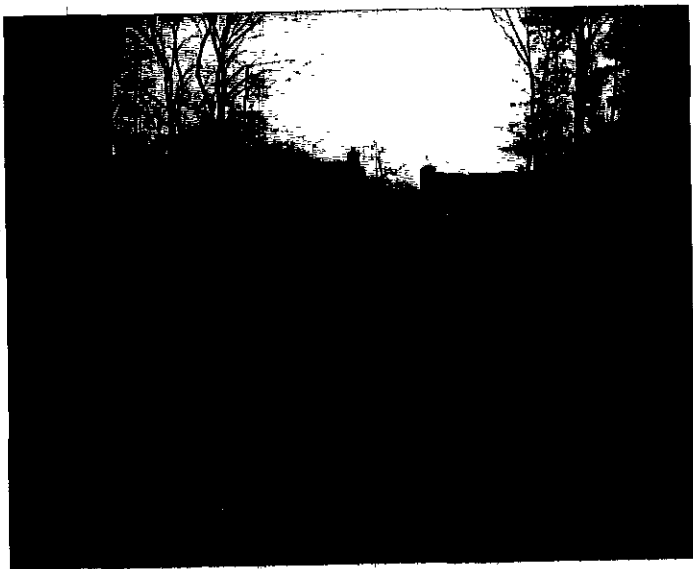
1E



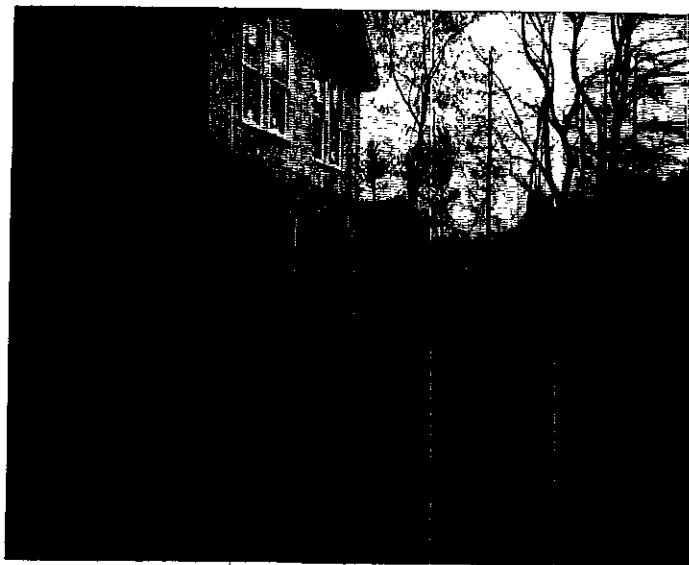
PROTESTANT'S
EXHIBIT NO. 6A



6B



6c



6D

CODE INFORMATION FOR THE BOCA NATIONAL BUILDING CODE 1993 AND BALTIMORE COUNTY COUNCIL BILL 167-93. GENERAL REQUIREMENTS FOR R-3 RESIDENTIAL CONSTRUCTION. REVIEW ALL ITEMS. THIS IS NOT INTENDED TO BE THE TOTAL REQUIREMENTS FOR CONSTRUCTION IN BALTIMORE COUNTY. FAILURE TO NOTE A PARTICULAR ITEM ON THE DRAWINGS DOES NOT RELIEVE THE RESPONSIBILITY TO BUILD IN ACCORDANCE WITH THE BUILDING CODES.

FOOTING

1. FOOTINGS OF ADEQUATE SIZE SHALL BE PROVIDED TO PROPERLY DISTRIBUTE THE LOAD WITHIN THE ALLOWABLE BEARING VALUES OF THE SOIL AND EXTEND 30" BELOW FINISHED GRADE. MINIMUM ALLOWABLE SOIL BEARING OF 2,000 psf. (SECT. 1806.0 TO 1808.0 AND 1810.0; BALTO. COUNTY COUNCIL BILL #167-93 SECT. 1806.0 AND 1807.0)

FOUNDATION

2. PROVIDE DRAIN TILE, PLUMBING CODE, SECT. 13.1.5 AND BOCA SECTIONS 1813.5 TO 1813.5.3. PROVIDE WEEP DRAINS AT BASE OF FOUNDATION WALL AT 16" O/C FOR BLOCK AND 48" FOR CONCRETE FOUNDATION WHEN DRAIN TILE IS ON THE INTERIOR.
3. FOUNDATION WALLS ENCLOSING INTERIOR SPACES AND FLOORS BELOW GRADE SHALL BE WATERPROOFED AND DAMPROOFED PER SECTION 1813.0.
4. FOUNDATION WALL CONSTRUCTION SHALL COMPLY WITH TABLE 1812.3.2 OR TABLE 1812.3.3 WITH EXCEPTIONS; FOUNDATION WALLS SHALL EXTEND 8" ABOVE FINISHED GRADE; FOUNDATION WALL CONDITIONS EXCEEDING THE TABLES SHALL BE DESIGNED BY A PROFESSIONAL ENGINEER OR ARCHITECT REGISTERED IN THE STATE OF MARYLAND.

Table

THICKNESS OF FOUNDATION WALLS

FOUNDATION WALL CONSTRUCTION	THICKNESS (INCHES)	MAXIMUM DEPTH OF UNBALANCED FILL (FEET) BELOW GRADE
HOLLOW UNIT MASONRY	8	4
UNGROUTED	10	5
	12	6
PLAIN CONCRETE,	8	7
MASONRY HOLLOW OR	10	8
SOLID, FULLY (GROUTED)	12	8

Table 1812.3.3 FOUNDATION WALL CONSTRUCTION

FOUNDATION WALL CONSTRUCTION	THICKNESS (INCHES)	MAXIMUM DEPTH UNBALANCED BACKFILL BELOW GRADE (FEET)
HOLLOW UNIT	8	5
MASONRY	10	6
CONSTRUCTION	12	7
FULLY GROUTED	8	7
MASONRY	10	8
CONSTRUCTION	12	8

SECTION 1812.3.2: EXCEPTION: THE PROVISIONS OF TABLE 1812.3.3 ARE APPLICABLE WHEN: (1) THE FOUNDATION WALL DOES NOT EXCEED 8 FEET IN HEIGHT BETWEEN LATERAL SUPPORTS; (2) THE TERRAIN SURROUNDING FOUNDATION WALLS IS GRADED SO AS TO DRAIN SURFACE WATER AWAY FROM FOUNDATION WALLS; (3) BACKFILL IS DRAINED TO REMOVE GROUND WATER AWAY FROM FOUNDATION WALLS; (4) LATERAL SUPPORT IS PROVIDED AT THE TOP OF THE FOUNDATION WALLS PRIOR TO BACKFILLING; (5) THE LENGTH OF FOUNDATION WALLS BETWEEN PERPENDICULAR MASONRY WALLS OR PILASTERS IS A MAXIMUM OF 3 TIMES THE BASEMENT WALL HEIGHT; (6) THE BACKFILL IS GRANULAR AND SOIL CONDITIONS IN THE AREA ARE NON-EXPANSIVE; (7) MASONRY IS LAID IN RUNNING BOND USING TYPE M OR S MORTAR.

5. ANCHOR SILL PLATES WITH 1/2" BOLTS (8 FOOT O.C. MAXIMUM) EMBEDDED NOT LESS THAN 15" IN CONCRETE MASONRY UNITS (CMU) OR 8" IN POURED CONCRETE WALLS. MINIMUM 2 BOLTS PER PLATE AT 12" MAXIMUM FROM ENDS OF BOARD. ANCHOR STRAPS INSTALLED PER MANUFACTURERS' SPECIFICATIONS. (SECTION 2305.16 AND EXCEPTION)
6. ANCHOR MASONRY VENEER 16" O.C. VERTICALLY AND 32" O.C. HORIZONTALLY WITH 22 GAUGE GALVANIZED CORRUGATED METAL TIES, PROVIDE 14LB FELD PAPER OVER SHEATHING, PROVIDE 1" AIR SPACE; NON-COMBUSTIBLE LINTELS WITH A MAX. DEFLECTION OF 1/600 OF SPAN OR .3", WHICHEVER IS LESS, SHALL BE PROVIDED OVER ALL OPENINGS. SECTION 1405.0.

CHIMNEY AND FIREPLACE CONSTRUCTION

7. MASONRY FIREPLACE WALLS LINED, WITH A MINIMUM OF 2" OF FIREBRICK, SHALL HAVE A COMBINED THICKNESS OF 8" OF SOLID MASONRY. THROAT AND SMOKE CHAMBER WALLS SHALL BE 8" OF SOLID MASONRY (SECTION M-1404.2 AND M-1404.2.2). MASONRY CHIMNEY WALLS SHALL BE LINED WITH A MINIMUM OF 5/8" FIRE CLAY AND HAVE A MINIMUM THICKNESS OF 4" OF SOLID MASONRY (SECTION M-1206.0). THE CHIMNEY CLEARANCE TO COMBUSTIBLES IS 2" FOR INTERIOR AND 1" FOR EXTERIOR CHIMNEYS. CHIMNEYS SHALL EXTEND AT LEAST 2 FEET HIGHER THAN ANY PORTION OF THE BUILDING WITHIN 10 FEET, BUT SHALL NOT BE LESS THAN 3 FEET ABOVE THE POINT WHERE THE CHIMNEY PASSES THROUGH THE ROOF. (SECTION M-1207.3)
8. FACTORY-BUILT FIREPLACES, STOVES, INSERTS AND CHIMNEYS MUST BE TESTED BY A NATIONALLY RECOGNIZED TESTING LABORATORY AND BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS. (SECTION M-1201.0 AND M-1403.1)
9. FIREPLACE OPENINGS GREATER THAN 6 SQUARE FEET REQUIRE THE HEARTH TO EXTEND 20" IN FRONT OF AND 12" BEYOND EACH SIDE OF THE OPENING. LESS THAN 6 SQUARE FEET REQUIRE 16" IN FRONT AND 8" BEYOND EACH SIDE. (SECTION M-1404.3 AND M-1404.3.1)
10. ALL FUEL BURNING APPLIANCES SHALL BE PROVIDED WITH ADEQUATE COMBUSTION AIR: SECTION M-1001.2.

FRAMING

11. PROVIDE DIAGONAL CORNER BRACING UNLESS THE SHEATHING IS APPROVED WITHOUT BRACING. (SECTION 2305.7)

12. ALL FLOOR, WALL AND ROOF SHEATHING MATERIALS OR UNDERLAYMENTS SHALL BE GRADE MARKED BY AN APPROVED AGENCY ON EACH SHEET; INSTALLATION OF THE PRODUCT SHALL COMPLY WITH MANUFACTURERS' REQUIREMENTS AND BOCA SECTIONS 2305 THRU 2312.
13. MINIMUM CEILING HEIGHT OF HABITABLE ROOMS IS 7'-6". ALL OTHER ROOMS 7'-0" TO THE LOWEST PROJECTION FROM THE CEILING. (SECTION 1204.1)
14. PREFABRICATED FLOOR AND ROOF TRUSSES SHALL BE DESIGNED IN ACCORDANCE WITH TPI 1985 STANDARDS AND NFPA-NDS 1991. EACH TRUSS SHALL HAVE THE TPI STAMP BY THE MANUFACTURER ON THE BOTTOM CORD. PREFABRICATED "WOOD I" JOISTS SHALL BE INSTALLED PER THE MANUFACTURER'S INSTRUCTIONS. ALL STRUCTURAL DESIGN LOADS SHALL COMPLY WITH APPLICABLE PARTS OF BOCA SECTIONS 1601.0 AND 2305.1; TABLE 1609.3 IS MODIFIED PER BALTIMORE COUNTY COUNCIL BILL #167-93. MINIMUM LIVE LOADS: FLOOR 40 psf (SLEEPING AREAS 30 psf); DECKS 40 psf; BALCONIES 60 psf; ATTIC 20 psf (NO ATTIC STORAGE 10 psf); ROOF 20 psf (IF LESS THAN 4 IN 12 PITCH - 30 psf); PIERS 100 psf; BARNs (HAY STORAGE - 110 psf); WIND LOADING 70 MPH MINIMUM.
15. JOIST AND BEAM END BEARING REQUIREMENTS: BEAM TO GIRDER 4", BEAMS FRAMING FROM OPPOSITE SIDE 6" LAP; JOIST ON WALL, GIRDER OR STEEL BEAMS 1 1/2" MINIMUM BEARING (3" MINIMUM BEARING ON CONCRETE OR MASONRY); JOIST FRAMING FROM OPPOSITE SIDES 3" LAP; APPROVED METAL STIRRUPS, HANGERS OR LEDGERS MAY ALSO BE USED; SECTION 2305.6.
16. STAIRS: MINIMUM WIDTH 36", MAXIMUM RISER 8 1/4", MINIMUM TREAD 9"; ONE HANDRAIL REQUIRED AT 30" TO 38" ABOVE TREAD, MINIMUM HEADROOM 6'-8"; SECTION 1014.1.
GUARDS: MINIMUM HEIGHT 36", MAXIMUM SPACING OF INTERMEDIATE RAILS OR BALUSTERS 4"; REQUIRED AT OPENSIDE FLOOR AREAS, LANDINGS, ETC., WHICH ARE GREATER THAN 30" ABOVE FLOOR OR GRADE BELOW.
GUARDS SHALL NOT PROVIDE A LADDER EFFECT; SECTIONS 1005.5 and 1021.1.
17. WOOD USED IN LOCATIONS SPECIFIED IN SECTION 2311.4 SUCH AS DECKS, PORCHES, BALCONIES, RETAINING WALLS, SILL PLATES OR SIMILAR PERMANENT STRUCTURES EXPOSED TO WEATHER SHALL BE NATURALLY DURABLE OR PRESERVATIVE TREATED.

GLAZING

18. HUMAN IMPACT LOADS REQUIRE SAFETY GLAZING IN ALL TYPES OF DOORS; ENCLOSURES FOR BATHTUBS, SHOWERS, HOT TUBS, WHIRLPOOLS, ETC. AND IN A BUILDING WALL COMPONENTS ENCLOSING THESE ITEMS CONTAINING GLASS WHERE THE BOTTOM EDGE IS LESS THAN 60" ABOVE THE STANDING SURFACE; AND GLAZING IN FIXED OR OPERABLE PANELS WHEN WITHIN A 24" ARC OF EITHER EDGE OF A DOOR; ALSO IN FIXED OR OPERABLE PANELS WHICH ARE GREATER THAN 9 SQUARE FEET PER PANEL, LESS THAN 18" ABOVE THE FLOOR, TOP EDGE GREATER THAN 36" ABOVE THE FLOOR AND HAS A WALKING SURFACE WITHIN 36" HORIZONTALLY FROM THE GLASS; AND ALL GLAZING IN RAILINGS; SECTION 2405.2.
19. SLEEPING ROOMS REQUIRE A OPERABLE EMERGENCY EGRESS WINDOW; MINIMUM NET CLEAR OPENING IN THE OPEN POSITION EQUALS 5.7 SQUARE FEET, MINIMUM CLEAR HEIGHT 24", MINIMUM CLEAR WIDTH 20" AND MAXIMUM SILL HEIGHT 44" ABOVE FLOOR; SECTION 1010.4. EXCEPTION: DOOR LEADING DIRECTLY OUTSIDE; FULLY SPRINKLERED BUILDINGS; GRADE FLOOR WINDOWS REQUIRE 5 SQUARE FEET FOR MINIMUM CLEAR OPENING.

INSULATION AND VENTILATION

20. MINIMUM INSULATION REQUIREMENTS FOR ALL CEILINGS IS R-30 (9"); FRAME WALLS R-11 (3"); MASONRY WALLS R-10; SLABS HEATED R-7; SLABS UNHEATED R-4; FLOORS OVER UNHEATED SPACES (CRAWL SPACE) R-16; FLOORS OVER BASEMENTS ARE EXEMPT EXCEPT FOR BANDS R-16 (5"); WINDOWS, DOUBLE GLAZED OR STORM WINDOWS. (BOCA ENERGY CONSERVATION CODE 1993).
21. REQUIRED ATTIC ACCESS PANEL SIZE IS 22"x30". CRAWL SPACE ACCESS PANEL SIZE IS 18"x24". SECTION 1211.0
22. CROSS VENTILATE CRAWL SPACE. PLACE OPENINGS CLOSE TO CORNERS AND PROVIDE NOT LESS THAN 18" SPACE BETWEEN BOTTOM OF JOISTS AND 12" FROM BOTTOM OF GIRDER TO EARTH OR USE APPROVED NATURALLY DURABLE OR PRESERVATIVE TREATED WOOD. SECTIONS 1210.2, 1210.3, 2311.4.1 and M-1606.0.
23. EVERY OCCUPIED SPACE SHALL BE VENTILATED BY NATURAL OR MECHANICAL MEANS AND HAVE NATURAL OR ARTIFICIAL LIGHT. MECHANICAL VENTILATION SHALL DISCHARGE DIRECTLY TO THE EXTERIOR OF THE BUILDING UNLESS THE UNIT IS APPROVED FOR RECIRCULATION. SECTIONS 1205.0, 1206.0, 1207.0, 1208.0, 1209.0 AND M-1601.1.
24. ENCLOSED ATTIC AND RAFTER SPACES SHALL BE CROSS VENTILATED. SECTION 1210.0; MECHANICAL VENTILATION SHALL COMPLY WITH SECTIONS 1210.3 AND M-1606.0.

FINAL

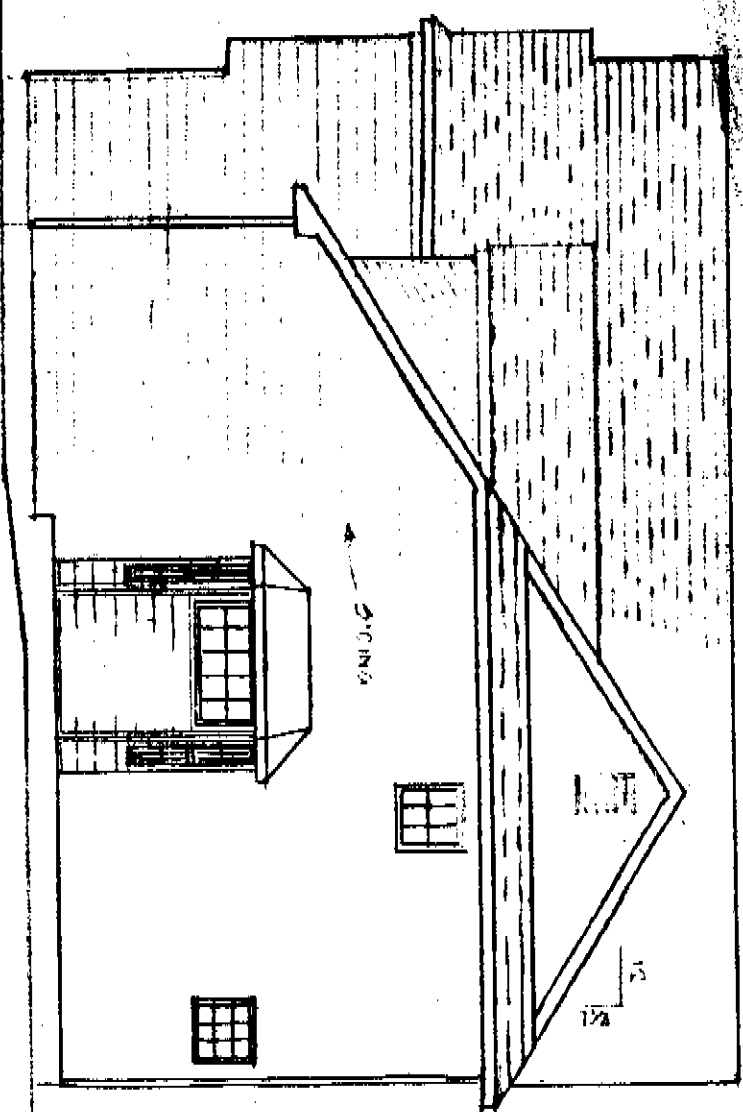
25. PROVIDE GUTTERS AND DOWNSPOUTS. SECTION 1813.8 AND AS MODIFIED BY THE BALTIMORE COUNTY COUNCIL BILL #167-93 SECTION 512.
26. THE GRADE IMMEDIATELY ADJACENT TO THE FOUNDATION SHALL BE SLOPED AWAY FROM THE BUILDING AT A SLOPE OF NOT LESS THAN 1:12 FOR A MINIMUM DISTANCE OF 8 FEET MEASURED PERPENDICULAR TO FACE OF THE WALL OR AN APPROVED ALTERNATE METHOD OF DIVERTING WATER AWAY FROM THE FOUNDATION SHALL BE USED. (SECTION 1813.7)
27. SMOKE DETECTORS SHALL BE LOCATED ON EACH STORY INCLUDING BASEMENTS IN THE IMMEDIATE VICINITY OF BEDROOMS (AND IN EACH BEDROOM UNLESS SPRINKLERED). DETECTORS SHALL BE INTERCONNECTED (AND BATTERY BACKUP UNLESS SPRINKLERED); SECTION 919.3, 919.4 AND 919.5.

FIRE WALLS / PARTY WALLS

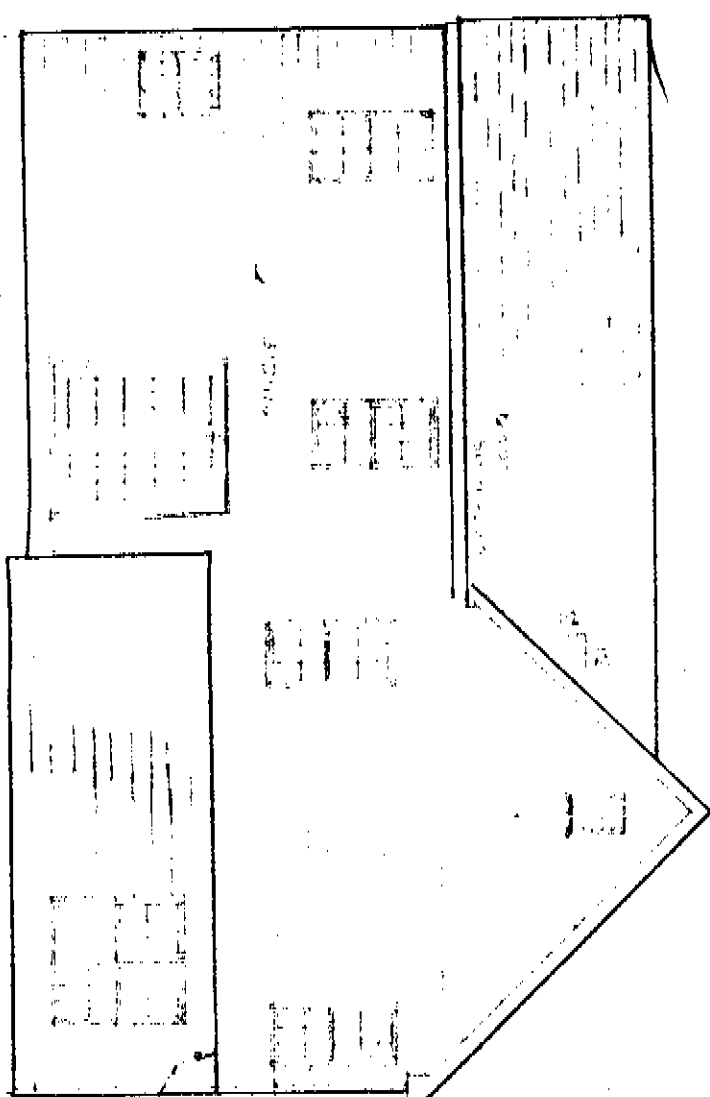
28. PRIVATE GARAGES LOCATED BENEATH HABITABLE ROOMS SHALL BE ONE-HOUR FIRE-RATED CONSTRUCTION. ATTACHED PRIVATE GARAGES OF R-3 USE SHALL BE COMPLETELY SEPARATED FROM ADJACENT INTERIOR SPACES AND THE ATTIC AREA BY MEANS OF 5/8 - INCH TYPE "X" GYPSUM BOARD OR THE EQUIVALENT APPLIED TO THE GARAGE SIDE. THE SILLS OF ALL DOOR OPENINGS BETWEEN THE GARAGE AND ADJACENT INTERIOR SPACES SHALL BE RAISED NOT LESS THAN 4 INCHES ABOVE THE GARAGE FLOOR. THE DOOR OPENING PROTECTIVES SHALL BE 1 3/4 INCH SELF CLOSING SOLID CORE WOOD DOORS OR APPROVED EQUIVALENT. SLOPE FLOOR TO EXTERIOR O.H. DOOR. (SECTION 407.3 OF BALTIMORE COUNTY COUNCIL BILL #167-93)
29. EXTERIOR WALLS OF STRUCTURES LOCATED LESS THAN 3 FEET FROM A PROPERTY LINE SHALL HAVE A 1-HOUR FIRE RESISTANCE RATING ASSEMBLY WITH NO OPENINGS. (BALTIMORE COUNTY COUNCIL BILL #167-93 SECTION 705.2 AND BOCA SECTION 705.2)
30. FIRE WALLS OR PARTY WALLS SHALL BE OF NON-COMBUSTIBLE CONSTRUCTION 2 HOUR FIRE RATED ASSEMBLY. THE WALL SHALL EXTEND TO THE UNDERSIDE OF THE ROOF DECK AND APPROVED DESIGN. BALTIMORE COUNTY COUNCIL BILL #167-93, SECTIONS 707.0, 709.0 AND BOCA SECTIONS 707.0.

FLOOD PLAIN CONSTRUCTION

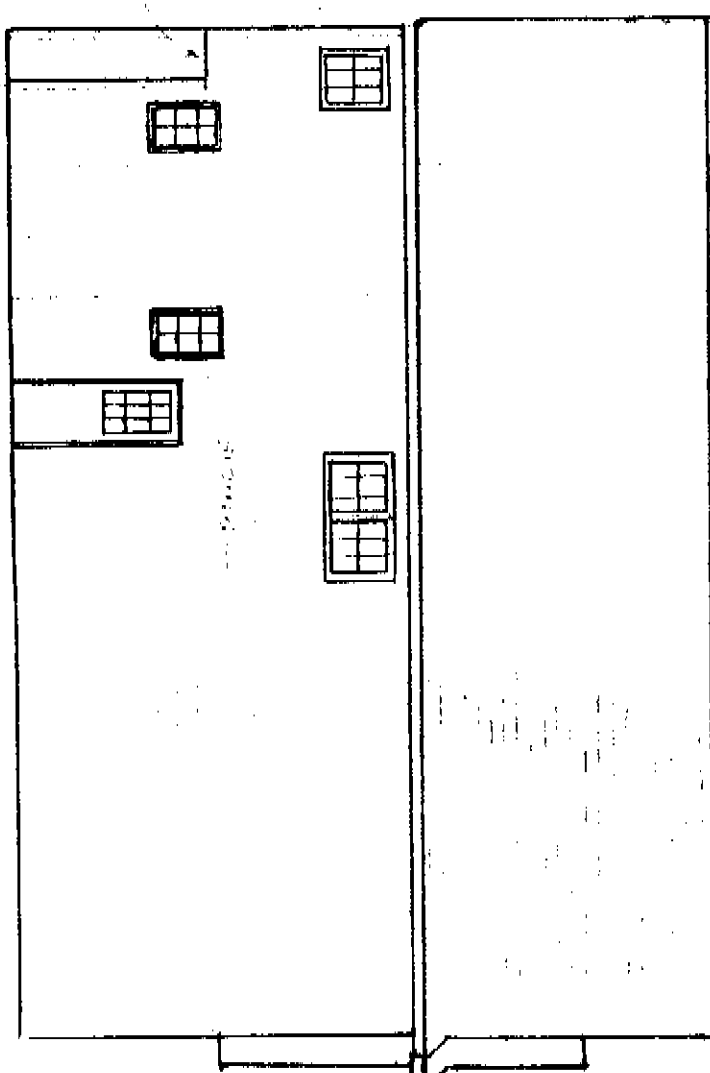
31. CONSTRUCTION IN AREAS SUBJECT TO FLOODING (TIDAL OR RIVERINE) SHALL BE DESIGNED AND COMPLY WITH BALTIMORE COUNTY COUNCIL BILL #167-93 SECTION 510.0, BALTIMORE COUNTY COUNCIL BILL #173 93 OR BOCA SECTION 3107.0; WHICHEVER IS MOST RESTRICTIVE. ELEVATION CERTIFICATE REQUIRED PRIOR TO ISSUANCE OF USE AND OCCUPANCY.



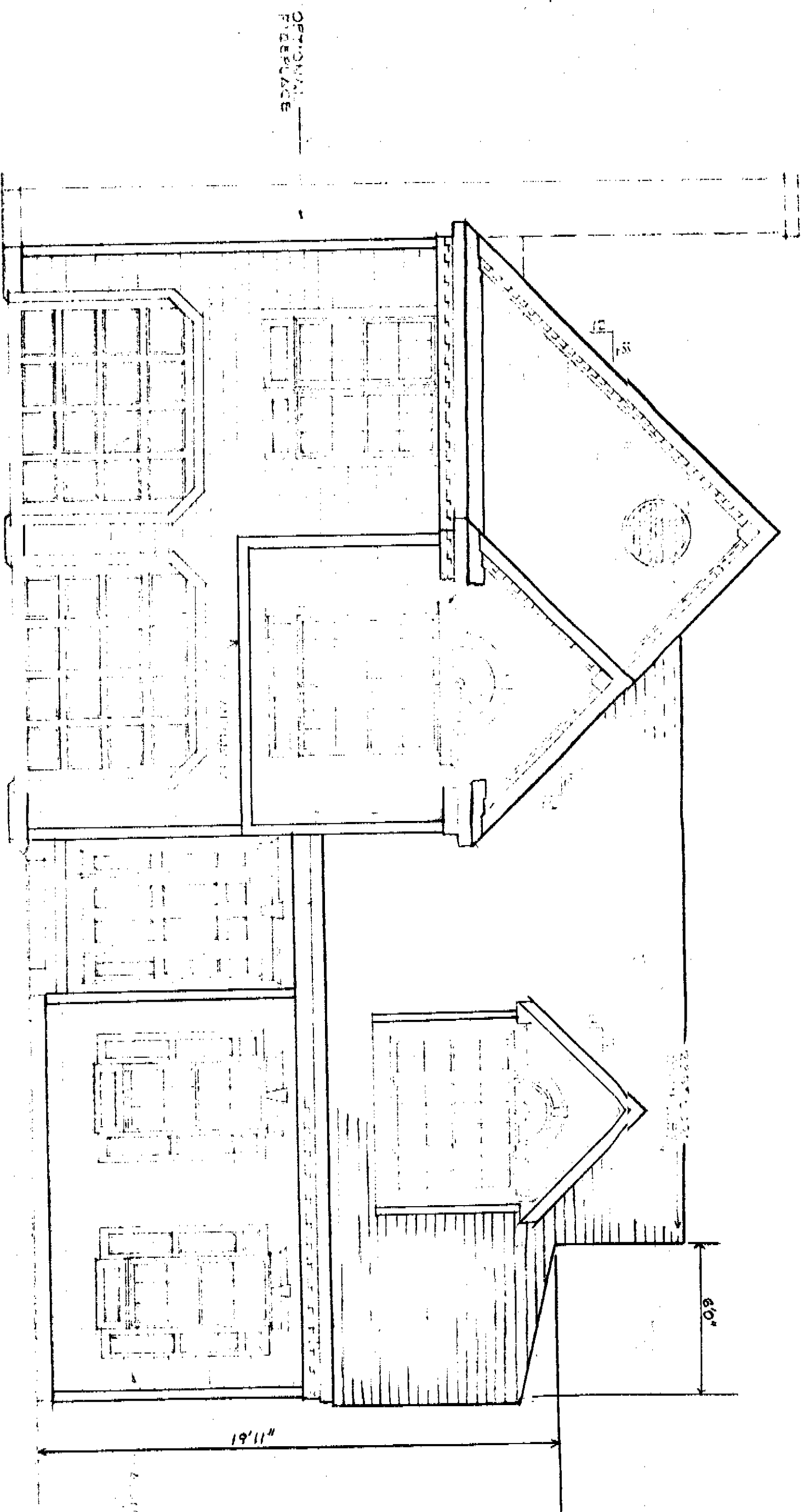
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



FRONT ELEVATION

FOR "NO SIDE WINDOW"
ZONING REQUIREMENT

2-6-95 REV.

LOGOS CONSTRUCTION CO
MODEL 715
SHEET 1

FOR "NO SIDE WINDOW"
ZONING REQUIREMENT

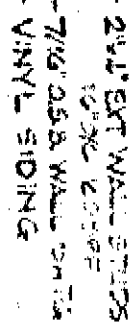


REVISIONS
6-2-91
2-6-95 REV.

LOG 15 CONSTRUCTION
10956 715
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REVISIONS	LOGO CONSTRUCTION CO	DATE
02-07-87	Model 717	4

$$310 = 1.0 \times 10^3$$
5

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE - N/S Camellia Road, * DEPUTY ZONING COMMISSIONER
310' NW of the c/l Gardenia Road (4422 Camellia Road)
11th Election District * OF BALTIMORE COUNTY
5th Councilmanic District * Case Nos. 95-304-SPH and 95-311-A
Thomas L. Sargent and *
Thomas O. Frech - Petitioners *

SECOND AMENDED ORDER

WHEREAS, this matter came before the Deputy Zoning Commissioner as combined Petitions for Special Hearing and Variance for that property known as 4422 Camellia Road, located in the Brookhurst community in Perry Hall. In Case No. 95-304-SPH, the adjoining property owner, Thomas L. Sargent, filed the Petition for Special Hearing seeking a determination as to whether Section V.B.6.C of the Comprehensive Manual of Development Policies (C.M.D.P.) was applicable to the subject property, or if Building Permit No. B-214274 which had been issued to the property owner, Thomas O. Frech, for a proposed dwelling on the subject site was in compliance with applicable zoning regulations, policies or the C.M.D.P. The owner of the property simultaneously filed a Petition for Variance in Case No. 95-311-A seeking a series of variances from the Baltimore County Zoning Regulations (B.C.Z.R.) and the Comprehensive Manual of Development Policies (C.M.D.P.) to permit development of the subject property in accordance with Building Permit No. B-214274 and the site plan submitted and accepted into evidence as Petitioner's Exhibit 1.

WHEREAS, a public hearing was held on April 10, 1995 at which numerous individuals appeared in opposition to the Petition for Variance filed by the owner of the property. Inasmuch as the property owner had filed a Petition for Variance, and in view of the opposition expressed at

the hearing, the Petition for Special Hearing was dismissed as moot, and the Petition for Variance was denied by my Order issued April 25, 1995.

Thereafter, Counsel for the property owner filed a Motion for Reconsideration in Case No. 95-311-A, and requested approval of the previously requested variance from Section 1801.2.C.2.A of the 1971 to 1992 B.C.Z.R. and Section V.B.5.a of the C.M.D.P. to permit a window to tract boundary setback of 30 feet in lieu of the required 35 feet which would allow a full-sized window to be placed on the north side of the proposed dwelling, opposite the Protestant's home and facing a wooded buffer area. Counsel for the property owner argued that other property owners in this development had been afforded such relief and that numerous other full-sized windows exist throughout this subdivision, as was evidenced in photographs presented at the hearing. While the testimony of the residents in this community was clear that they are adamantly opposed to a variance being granted for windows on Mr. Sargent's side of the proposed dwelling, I believed the granting of a variance for the window on the tract boundary side met the spirit and intent of the zoning regulations and would not result in any detriment to the health, safety or general welfare of the surrounding locale. By Amended Order dated May 17, 1995, the Motion for Reconsideration was granted.

Subsequent to the issuance of my Amended Order, I received letters from the adjoining property owners on both sides of the subject site, namely, Mr. Thomas Sargent and Mr. G. F. Walter, both of whom voiced strong opposition to the variance granted by my Amended Order. Furthermore, it was apparent from the tone of the letters submitted that these residents have a strong dislike for the builder of this house. As noted in their correspondence, the variance requested for this window is a matter of

- 2 -

preference and not a necessity and compliance with the B.C.Z.R. should be maintained. At the time the Amended Order was granted, I believed that there was no opposition to the window that faced the tract boundary, which is the side of the house farthest removed from the Protestant's home.

After due consideration of the arguments presented in the Protestants' correspondence, it is clear that I must reconsider my decision in the Amended Order and am compelled to rescind the relief granted in same.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 31st day of May, 1995 that the Motion for Reconsideration filed in Case No. 95-311-A to approve a modified relief, be and is hereby RESCINDED; and,

IT IS FURTHER ORDERED that a variance from Section 1801.2.C.2.a of the 1971 to 1992 B.C.Z.R. and Section V.B.5.a of the C.M.D.P. to permit a window to tract boundary setback of 30 feet in lieu of the required 35 feet for a full-sized window on the north side of the proposed dwelling, in accordance with Petitioner's Exhibit 1, be and the same shall hereby be DENIED; and,

IT IS FURTHER ORDERED that there shall be no further reconsiderations in this matter.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TNR:bjs

cc: David Meadows, Esquire, 4111 East Joppa Road, Baltimore, Md. 21236
Mr. Thomas O. Frech, 5024 Campbell Boulevard, Baltimore, Md. 21236
Anthony J. DiPaula, Esquire, 604 Bosley Avenue, Towson, Md. 21204
Mr. Thomas L. Sargent, 4420 Camellia Road, Baltimore, Md. 21236

Ms. Marie McCoy, 2519 Moore Avenue, Baltimore, Md. 21234
Ms. Linda M. Kampke, 4428 Camellia Road, Baltimore, Md. 21236
Ms. Nancy S. Dobry, 4426 Camellia Road, Baltimore, Md. 21236
Mr./Mrs. George Walter, Jr., 4424 Camellia Road, Baltimore, Md. 21236
Ms. Catherine Nichols, 9218 Gardenia Road, Baltimore, Md. 21236

- 3 -

ORDER RECEIVED FOR FILING
Date 5/31/95
By SPB

dwelling on the subject property, in accordance with the site plan submitted into evidence as Petitioner's Exhibits 1.

WHEREAS, a public hearing was held on April 10, 1995 at which the legal owner of the property and Petitioner in Case No. 95-311-A, the adjoining property owner and Petitioner in Case No. 95-304-SPH, and numerous other residents appeared and testified. Inasmuch as the property owner had filed a Petition for Variance, the Petition for Special Hearing was dismissed as moot; however, the Petition for Variance relief was denied by my Order issued April 25, 1995.

WHEREAS, subsequent to the issuance of my Order, Counsel for the property owner filed a Motion for Reconsideration as to the Petition for Variance filed in Case No. 95-311-A, and requested approval of the variance relief sought from Section 1801.2.C.2.A of the 1971 to 1992 B.C.Z.R. and Section V.B.5.a of the C.M.D.P. to permit a window to tract boundary setback of 30 feet in lieu of the required 35 feet for a full-sized window on the north side of the proposed dwelling. Counsel for the property owner argued that other property owners in this development had been afforded such relief and that numerous other full-sized windows exist throughout this subdivision, as was evidenced in photographs presented at the hearing.

After due consideration of the argument presented, and a review of the case file, I am persuaded to grant the Motion for Reconsideration. It is to be noted that the Protestant in this matter enjoys a full-sized window on the side of his dwelling facing a tract boundary. Furthermore, the relief requested for the proposed dwelling is on the tract boundary side of the property facing a wooded buffer area between this development and an adjacent subdivision. While the testimony of the other residents in this community was clear that they are adamantly opposed to any variance

- 2 -

being granted for this property, the relief requested is for a window on the side of the dwelling not facing another adjoining residence. It appears that the relief requested would not result in any detriment to the health, safety or general welfare of the surrounding locale and should therefore be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 31st day of May, 1995 that the Motion for Reconsideration filed in Case No. 95-311-A to approve a modified relief, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 1801.2.C.2.a of the 1971 to 1992 B.C.Z.R. and Section V.B.5.a of the C.M.D.P. to permit a window to tract boundary setback of 30 feet in lieu of the required 35 feet for a full-sized window on the north side of the proposed dwelling, in accordance with Petitioner's Exhibit 1, be and the same shall hereby be GRANTED, subject to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TNR:bjs

cc: David Meadows, Esquire, 4111 East Joppa Road, Baltimore, Md. 21236
Mr. Thomas O. Frech, 5024 Campbell Boulevard, Baltimore, Md. 21236
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Mr./Mrs. George Walter, Jr., 4424 Camellia Road, Baltimore, Md. 21236
Ms. Catherine Nichols, 9218 Gardenia Road, Baltimore, Md. 21236

People's Counsel; Case File

- 3 -

ORDER RECEIVED FOR FILING
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IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE - N/S Camellia Road, * DEPUTY ZONING COMMISSIONER
310' NW of the c/l Gardenia Road (4422 Camellia Road)
11th Election District * OF BALTIMORE COUNTY
5th Councilmanic District * Case Nos. 95-304-SPH and 95-311-A
Thomas L. Sargent and *
Thomas O. Frech - Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as combined Petitions for Special Hearing and Variance for that property known as 4422 Camellia Road, located in the vicinity of Perry Hall in the Brookhurst community. In Case No. 95-304-SPH, the adjoining property owner, Thomas L. Sargent, filed the Petition for Special Hearing seeking a determination from this Deputy Zoning Commissioner as to whether Section V.B.6.C of the Comprehensive Manual of Development Policies (C.M.D.P.) is applicable to the subject property, or if Building Permit No. B-214274 for a proposed dwelling on the subject site is in compliance with applicable zoning regulations, policies or the C.M.D.P. In Case No. 95-311-A, the owner of the property, Thomas O. Frech, filed the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) and the Comprehensive Manual of Development Policies (C.M.D.P.) as follows: From Section 1801.2.C.2.a of the 1971 to 1992 B.C.Z.R. and Section V.B.5.a of the C.M.D.P. to permit a window to tract boundary setback of 30 feet in lieu of the required 35 feet; from 1801.2.C.2.b of the 1971 to 1992 B.C.Z.R. and Section V.B.6.c of the C.M.D.P. to permit a window to window setback of 20 feet in lieu of the required 40 feet; and from Section 504 of the B.C.Z.R. and Section V.B.6.b of the C.M.D.P. to permit a window to lot line setback of 5 feet in lieu of the required 15 feet for a proposed

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE - N/S Camellia Road, * DEPUTY ZONING COMMISSIONER
310' NW of the c/l Gardenia Road, (4422 Camellia Road)
11th Election District * OF BALTIMORE COUNTY
5th Councilmanic District * Case Nos. 95-304-SPH and 95-311-A
Thomas L. Sargent and *
Thomas O. Frech - Petitioners *

AMENDED ORDER

WHEREAS, this matter came before the Deputy Zoning Commissioner as combined Petitions for Special Hearing and Variance for that property known as 4422 Camellia Road, located in the vicinity of Perry Hall in the Brookhurst community. In Case No. 95-304-SPH, the adjoining property owner, Thomas L. Sargent, filed the Petition for Special Hearing seeking a determination from this Deputy Zoning Commissioner as to whether Section V.B.6.C of the Comprehensive Manual of Development Policies (C.M.D.P.) is applicable to the subject property, or if Building Permit No. B-214274 for a proposed dwelling on the subject site is in compliance with applicable zoning regulations, policies or the C.M.D.P. In Case No. 95-311-A, the owner of the property, Thomas O. Frech, filed the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) and the Comprehensive Manual of Development Policies (C.M.D.P.) as follows: From Section 1801.2.C.2.a of the 1971 to 1992 B.C.Z.R. and Section V.B.5.a of the C.M.D.P. to permit a window to tract boundary setback of 30 feet in lieu of the required 35 feet; from 1801.2.C.2.b of the 1971 to 1992 B.C.Z.R. and Section V.B.6.c of the C.M.D.P. to permit a window to window setback of 20 feet in lieu of the required 40 feet; and from Section 504 of the B.C.Z.R. and Section V.B.6.b of the C.M.D.P. to permit a window to lot line setback of 5 feet in lieu of the required 15 feet for a proposed

dwelling on the subject property. This property and relief sought are more particularly described on the site plans submitted in the respective cases, which were marked into evidence as Petitioner's Exhibits 1.

Appearing at the hearing on behalf of the Petition for Special Hearing were Thomas L. Sargent, adjoining property owner, his attorney, Anthony J. DiPaula, Esquire, and numerous other residents of the surrounding community. Appearing on behalf of the Petition for Variance were Thomas O. Frech, legal owner of the property, his attorney, David Meadows, Esquire, and Rick Chadsey, Professional Engineer with George W. Stephens, Jr. & Associates, Inc. Also appearing on behalf of the Petition for Variance were the Contract Purchasers, Ms. Marie McCoy and Mr. Jasper Johnson.

At the onset of the hearing on these matters, a discussion ensued as to whether the petition for Special Hearing was necessary, given the fact that the owner of the property filed the Petition for Variance seeking relief from the same regulations that Mr. Sargent argues are applicable to this property. It was subsequently determined that the Petition for Variance would address the issues raised within the Petition for Special Hearing and as such, the Petition for Special Hearing was no longer necessary and would be dismissed as moot. The hearing then proceeded on the Petition for Variance.

Appearing and testifying in support of the Petition for Variance was Mr. Rick Chadsey, Professional Engineer. Testimony and evidence offered revealed that the subject property consists of 0.219 acres, more or less, zoned D.R. 5.5 and is presently unimproved. The Petitioner wishes to develop the site with a single family dwelling in accordance with the site plan submitted and marked into evidence as Petitioner's Exhibit 1. The proposed dwelling will be a two-story home with an attached two-car

- 2 -

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garage. Because the Contract Purchasers desire windows on the sides of the dwelling, the requested variances are necessary. More specifically, the Contract Purchasers want full-sized windows, including a bay window, on the south side wall of the dwelling facing Mr. Sargent's home. Testimony indicated that at the present time, only small windows, the sill of which will be located 5 feet above the floor in any given room on the south wall of this dwelling, are permitted. Apparently, as Mr. Chadsey testified, the C.M.D.P. regulations which were in effect from 1971 to 1992 and are applicable to this subdivision, do not permit full-sized windows to exist on the sides of this home, given its close proximity to the property line and the home of the adjoining owner. Testimony indicated that the dwelling itself meets all other setback requirements. However, in order to install the full-sized windows desired by the Contract Purchasers, the variances are necessary in order to proceed with development.

Appearing in opposition to the relief requested was the adjoining property owner, Mr. Thomas Sargent, who resides immediately adjacent to the site at 4420 Camellia Road. Mr. Sargent testified that he is adamantly opposed to full-sized windows being installed in the south wall of the proposed dwelling in that they would directly infringe upon the privacy he currently enjoys in his home. The site plan entered into evidence as Petitioner's Exhibit 1 shows that the rear of Mr. Sargent's home is located 20 feet from his rear property line, which is the side property line shared with the subject property. Mr. Sargent testified that the most useable living space is located in the rear of his home, that is the family room, a bathroom, etc., which have full-sized windows. He believes that full-sized windows in the proposed dwelling would allow those resi-

- 3 -

dents to have a direct view into the rear of his home, which would be a gross intrusion into his privacy.

Furthermore, Mr. Sargent testified that no other homes in the Brookhurst subdivision contain full-sized windows in the sides. In fact, Mr. Sargent asked Mr. Frech whether he could have full-sized windows in his own home at the time of construction and was told that he could not. In addition, other neighborhood residents testified that they were denied the privilege of having full-sized windows on the sides of their homes. The corroborative testimony of the Protestants was that they would like to see the same rules and regulations applied to the subject property as was applied to their respective properties. Clearly, all of the residents in attendance were adamantly opposed to full-sized windows being permitted in the side walls of the proposed dwelling.

After due consideration of the testimony and evidence offered by both the Petitioners, the residents who reside in this community, and the Contract Purchasers of the subject lot, it appears the relief requested must be denied. I find that the Petitioners have failed to satisfy the burden imposed upon them in order to grant the variance. It was clear from the testimony that the desire for full-sized windows on the sides of the proposed dwelling is not out of necessity but is more of a matter of preference. Furthermore, there was no evidence or testimony offered to substantiate or justify the granting of a variance for full-sized windows on the south side of the subject dwelling.

It should also be noted that subsequent to the hearing in this matter, Counsel for the Petitioner submitted a request for withdrawal of the window to window setback of 20 feet in lieu of the required 40 feet to permit full-sized windows in the sides of the dwelling, and the window to

- 4 -

lot line setback of 5 feet in lieu of the required 15 feet for the proposed bay window on the south side of the dwelling. It is clear that the Petitioners have requested a withdrawal of these two variances in an effort to ease tensions in the neighborhood. However, the testimony and evidence offered by all of the residents who appeared in opposition to this request was clear that they are opposed to the granting of any variances in this matter. Furthermore, as noted above, there was insufficient testimony or evidence offered to prove that strict compliance with the zoning regulations would result in practical difficulty or unreasonable hardship for the Petitioners. Therefore, the relief requested in the Petition for Variance must be denied.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, there is insufficient evidence to allow a finding that the Petitioners would experience practical difficulty or unreasonable hardship if the

- 5 -

requested variance were denied. The testimony presented by Petitioners was in support of a matter of preference rather than of the necessity for the variance. The Petitioners have failed to show that compliance would unreasonably prevent the use of the property or be unnecessarily burdensome. Therefore, the variance requested must be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 25th day of April, 1995 that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) and the Comprehensive Manual of Development Policies (C.M.D.P.) as follows: From Section 1801.2.C.2.a of the 1971 to 1992 B.C.Z.R. and Section V.B.5.a of the C.M.D.P. to permit a window to tract boundary setback of 30 feet in lieu of the required 35 feet; from 1801.2.C.2.b of the 1971 to 1992 B.C.Z.R. and Section V.B.6.c of the C.M.D.P. to permit a window to window setback of 20 feet in lieu of the required 40 feet; and from Section 504 of the B.C.Z.R. and Section V.B.6.b of the C.M.D.P. to permit a window to lot line setback of 5 feet in lieu of the required 15 feet for a proposed dwelling on the subject property, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

IT IS FURTHER ORDERED that the Petition for Special Hearing seeking a determination from this Deputy Zoning Commissioner as to whether Section V.B.6.C of the Comprehensive Manual of Development Policies (C.M.D.P.) is applicable to the subject property, or if Building Permit No. B-214274 for a proposed dwelling on the subject site is in compliance

- 6 -

with applicable zoning regulations, policies or the C.M.D.P., be and is hereby DISMISSED AS MOOT.

TMK:bjs

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

- 7 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
Suite 112 Courthouse
4111 East Joppa Road
Towson, MD 21204
April 25, 1995
(410) 887-4386

David Meadows, Esquire
4111 East Joppa Road
Baltimore, Maryland 21236

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
N/8 Camellia Road, 310' NW of the c/l Gardenia Road
(4422 Camellia Road)
11th Election District - 5th Councilmanic District
Thomas L. Sargent and Thomas O. Frech - Petitioners
Case Nos. 95-304-SPH and 95-311-A

Dear Mr. Meadows:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been dismissed as moot and the Petition for Variance denied has been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,
Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Thomas O. Frech, 5024 Campbell Boulevard, Baltimore, Md. 21236

Anthony J. DiPaola, Esquire,
Covahey & Booser, 604 Booley Avenue, Towson, Md. 21204

Mr. Thomas L. Sargent, 4420 Camellia Road, Baltimore, Md. 21236
Ms. Marie McCoy, 2519 Moore Avenue, Baltimore, Md. 21234
Ms. Linda H. Kempeke, 4428 Camellia Road, Baltimore, Md. 21236
Ms. Nancy S. Dobry, 4426 Camellia Road, Baltimore, Md. 21236
Mr./Mrs. George Walter, Jr., 4424 Camellia Road, Baltimore, Md. 21236
Ms. Catherine Nichols, 9218 Gardenia Road, Baltimore, Md. 21236

People's Counsel; File

Printed with Cyanine Ink
8-1-1995

Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 4422 Camellia Road
which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1801.2.C.2.a of the Baltimore County Zoning Regulations (BCZR 1971-1992) and V.B.5.a of the previous Comprehensive Manual of Development Policies (CMDP) to permit a 30' window to tract boundary setback in lieu of the required 35', 1801.2.C.2.b of the BCZR 1971-1992 and the previous C.M.D.P. Section V.B.6.c to permit a window to window setback of 20' in lieu of the required 40', and 504.6 of the previous C.M.D.P. to permit a window to lot line setback of 5' in lieu of the required 15' of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or required relief)

The practical difficulty is created by the shape, size and configuration of the lot which does not permit a marketable product on said property.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessor
Type or Print Name
Signature
Address
City State Zip
Attorney for Petitioner
David Meadows
Type or Print Name
Signature
Address
City State Zip
Name Address and phone number of legal owner, contract purchaser or representative to be contacted
Name Address Phone No.
5024 Campbell Boulevard 931-4670
Baltimore Maryland 21236

4111 East Joppa Road 529-4600
Baltimore Maryland 21236
Name Address Phone No.
Name Address Phone No.
ESTIMATED LENGTH OF HEARING (Indicate for hearing)
The following date: Next Two Months
ALL OTHER: DATE
REVIEWED BY: DATE

ORDER RECEIVED FOR FILING
Date
By

311

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC. 95-311-A
ENGINEERS
640 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204
ZONING DESCRIPTION
LOT 10, BLOCK 4
BROOKHURST, SECTION TWO

Beginning at a point on the north side of Camellia Road which is 50 feet wide at the distance of 308.80 feet west of the center line of the nearest improved intersecting street, Gardenia Road which is 50 feet wide: Being Lot #10, Block A, Section Two, Brookhurst as recorded in Baltimore County Plat Book S.M. 61, Folio 124, containing 0.219 Ac.: Also known as #4422 Camellia Road and located in the 11th Election District.

NOTE: THE ABOVE DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT TO BE USED FOR CONVEYANCE OR AGREEMENTS



311

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 114 Date of Posting: 3/22/95
Posted for: Thomas O. Frech
Petitioner: Thomas O. Frech
Location of property: 4422 Camellia Rd., NW
Location of Signs: Frech, Anthony, D. Frech, Anthony, D. Frech, Anthony, D.
Remarks:
Posted by: [Signature] Date of return: 3/24/95
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 3/24, 1995
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3/23, 1995.

THE JEFFERSONIAN,

A. Henikson
LEGAL AD. - TOWSON

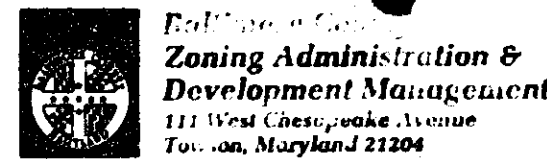
NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204, at 9:00 a.m. on Monday, April 10, 1995 at 9:00 a.m. in Room 118 Old Courthouse.

Case Number: 95-311-A (Item 311)
4422 Camellia Road, 317 NW of 4th and Garden Road, 11th Election District - 5th Councilmanic Legal Owner: Thomas O. Frech
HEARING: MONDAY, APRIL 10, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Variance to permit a 30 ft. window to tract boundary setback as less of the required 35 ft. and to permit a window to window setback of 20 ft. in lieu of the required 40 ft. and to permit a window to lot line setback of 5 ft. in lieu of the required 15 ft.

LAWRENCE E. SCHMIDT, Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are held in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204. (2) For information concerning the file and/or hearing, please call 887-3391. 3/22 March 23.



Date: 10/24/95

Frech - 4422 Camellia Rd.

010 50

080 35

85 00

MOORE, KERRY, RYAN AND LATHAM, J. L.

Please Make Checks Payable To: Baltimore County

Cashier Validation

receipt

95-311-A

Account: R-001-6150

Number: 311

10/24/95

SAH

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

March 17, 1995

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204, at 9:00 a.m. on Monday, April 10, 1995 at 9:00 a.m. in Room 118 Old Courthouse.

CASE NUMBER: 95-311-A (Item 311)

4422 Camellia Road
N/S Camellia Road, 310' NW of 4th and Garden Road
11th Election District - 5th Councilmanic Legal Owner: Thomas O. Frech

HEARING: MONDAY, APRIL 10, 1995 at 9:00 a.m. in Room 118 Old Courthouse.

Variance to permit a 30 ft. window to tract boundary setback in lieu of the required 35 ft.; and to permit a window to window setback of 20 ft. in lieu of the required 40 ft.; and to permit a window to lot line setback of 5 ft. in lieu of the required 15 ft.

[Signature]

Arnold Jablon
Director

cc: Thomas O. Frech
David Meadows, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink
on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

March 29, 1995

David Meadows, Esquire
4111 East Joppa Road
Baltimore, Maryland 21236

RE: Item No.: 311
Case No.: 95-311-A
Petitioner: Thomas O. Frech

Dear Mr. Meadows:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by the Office of Zoning Administration and Development Management (ZADM), Development Control Section on March 2, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,
[Signature]

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: March 22, 1995

SUBJECT: 4422 Camellia Road

INFORMATION:

Item Number: Combined Comments Item Nos. 301 & 311

Petitioner: Frech/Sargent

Property Size: .219 acre

Zoning: D.R.- 5.5

Requested Action: Special Hearing and Variance

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

Mr. Thomas L. Sargent has filed a Special Hearing to determine whether permit number B214274 (building permit for 4422 Camellia Road) meets applicable zoning regulations and the policies of the CDDP. The owner of the lot, Thomas O. Frech, has filed a Variance to address the issues raised by Mr. Sargent; therefore, no comment is offered regarding the Special Hearing.

However, regarding the requested Variance, it is clear that the petitioner will need to satisfy the burden imposed upon him to prove practical difficulty and/or unreasonable hardship to justify the granting of the subject Variance.

Prepared by: [Signature]

Division Chief: [Signature]

PK/JL

ITEM311/PZONE/DEJWJL

Pg. 1

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: March 27, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for March 27, 1995
Items 305, 306, 308, 310, 311, 312 and 313

The Developers Engineering Section has reviewed the subject zoning item and we have no comments.

RWB:ew

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 03/22/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF MAR. 20, 1995.

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 304, 305, 306, 307, 308, 310, 311, 312 AND 313.

RECEIVED
MAR 24 1995

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881. MS-1102F

cc: File

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on Recycled Paper



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 311 (CAM)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

[Signature]
for Ronald Burns, Chief
Engineering Access Permits
Division

BS/

My telephone number is
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM
FROM: DEPRM
SUBJECT: Zoning Advisory Committee
Agenda: 3/20/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 305
306
308
311
312

LS:sp

LETTY2/DEPRM/TXTSP

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

July 19, 1995

(410) 887-4386

Ms. Sheila McLendon
2519 Moore Avenue
Baltimore, Maryland 21234

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
N/S Camellia Road, 310' NW of the c/l Gardenia Road
(4422 Camellia Road)
11th Election District - 5th Councilmanic District
Thomas L. Sargent and Thomas O. Frech - Petitioners
Case Nos. 95-304-SPH and 95-311-A

Dear Ms. McLendon:

In response to your letter dated June 7, 1995 concerning the above-captioned matter, the following comments are offered.

I have reviewed the concerns raised in your letter and have come to the conclusion that I must deny your request for reconsideration in this matter. The testimony and evidence offered at the hearing, as well as the strong opposition offered by the surrounding neighbors warranted that all variances for windows in the proposed dwelling be denied. Given the amount of adversity that appeared to exist at the hearing, I do not believe a reconsideration of this matter would prove beneficial to either party in this case. Furthermore, I believe that reopening this case would cause additional tension between the neighbors which would be detrimental to the community as a whole.

Therefore, while I appreciate your interest in this matter, I will not entertain any further requests for reconsideration.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Case File

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND
OFFICE OF THE BUILDING ENGINEER

JOB LOCATION 4422 Camellia Rd

DISTRICT 11 PCT. 9
PERMIT NO. B226100

BLDG. INSP. 887-3935
PLUMB. INSP. 887-3930
ELEC. INSP. 887-3960
SEI. CON. INSP. 887-3924
BLDG. ENG. 887-3373

Frech House, Inc.
5024 Campbell Rd. St. M.
21236

STOP WORK NOTICE

I HAVE THIS DAY INSPECTED THIS STRUCTURE AND THESE PREMISES AND HAVE FOUND THE FOLLOWING VIOLATIONS OF THE LAWS OF BALTIMORE COUNTY CODE
CODE Book SSC

All work to cease immediately

In violation of zoning Ordinance

95-311A

Contact with Sargent with questions
(Living) 887-3351

THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN DATE 6-23-95
FAILURE TO COMPLY CONSTITUTES A VIOLATION OF COUNTY LAW.

DATE 6-7-95 SIGNED INSPECTOR J. M. Kotroco

ALL CORRECTIONS COMPLETE AND APPROVED

DATE SIGNED INSPECTOR

DO NOT REMOVE THIS TAG

RECEIVED
JUN 9 1995

ZADM

MR. SARGENT:

FOR YOUR REQUEST

John M. Kotroco

DO NOT REMOVE THIS TAG

Jim F.Y.I. THIS IS A REQUEST
FROM MR. SARGENT
J.M.A.

To: Mr. Timothy M. Kotroco
Deputy Zoning Commissioner
for Baltimore County

From: Mr. Thomas Sargent
4420 Camellia Road
Baltimore, MD. 21236

May 24, 1995

Re: Your recent reversal of your decision on case Nos. 95-304-SPH and 95-311-A

Sir:

I have read the amended order you have issued concerning this variance request and have several questions:

1. Why have you honored this request for reconsideration when at the hearing you stated that the only recourse to your decision would be an appeal?

2. Why have new statements and information given by the counsel for Mr. Frech been accepted as fact when many statements and actions by Mr. Frech were revealed to be pure lies and bullshit at the hearing?

3. Why has this information been accepted without the chance of rebuttal by the other residents of the neighborhood?

4. Where is the proof that my side window is in violation? Where are these alleged other windows? Are they even in this neighborhood? Isn't this information a further indictment of Mr. Frech?

5. Where has Mr. Frech shown that he will suffer practical difficulty and or unreasonable hardship? You yourself said that it was obviously just a matter of preference.

6. Why are you cooperating and consenting with someone who knowingly flaunts the rules and regulations you are supposed to enforce? Mr. Frech makes a joke of the rules and ignores proper procedures. He seeks only to profit and cares nothing about the results of his actions.

If this matter is to be reconsidered, let it be done in the proper way in front of the public at an appeal hearing. Your reputation and that of your department could be damaged by this action.

Sincerely,

Thomas Sargent
Thomas Sargent

Post-it brand fax transmittal memo 7571
To: Tom O. Frech
Cc: Tom O. Frech
Fax: 931-4674
Date: 931-4674

RE: PETITION FOR VARIANCE
4422 Camellia Road, N/S Camellia Road,
310' NW of c/l Gardenia Road, 11th
Election District, 5th Councilmanic
Thomas O. Frech
Legal Owner/Petitioner
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 95-311-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carol S. Demilio
CAROL S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of March, 1995, a copy of the foregoing Entry of Appearance was mailed to David Meadows, Esquire, 4111 E. Joppa Road, Baltimore, MD 21236, attorney for Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

TO:
GWE M
Re: 311
set w/301

Jim Ref to: J. M. Kotroco
Tom Frech
931-4674
4422 Camellia Rd
stop work

Ms. Sheila McLendon
2519 Moore Avenue
Towson, MD 21234

Put it here over top of envelope to the
front of the return address

CERTIFIED

2 264 741 226

MAIL

Baltimore County Zoning Commission
Office of Planning and Zoning
Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

Attention: Timothy M. Kotroco, Deputy Zoning Commissioner

MOORE, CARNEY, RYAN AND LATTANZI, LLC

ROBERT E. CARNEY JR.
RICHARD E. LATTANZI
JUDITH L. HARGLER-ODE
RONALD A. BREWER
DAVID M. MEADOWS
133A M.L. EISENMANN

May 3, 1995

Mr. Timothy M. Kotroco
Deputy Zoning Commissioner
for Baltimore County
Suite 112 - Courthouse
400 Washington Avenue
Towson, Maryland 21204

Re: Petition for Special Hearing and Variance,
Thomas O. Frech, Petitioner
Case No. 95-311-A

Dear Mr. Kotroco:

I am in possession of the decision of the Zoning Commissioner with regard to the above-referenced case. My clients have requested that I file this Motion for Reconsideration, primarily based upon the photographic evidence presented by Ms. Maria McCoy. If you recall, Ms. McCoy presented a series of photographs as evidence. One of the photographs was of Mr. Sargent's home, which shows a full size window on the side of Mr. Sargent's home which faces the tract boundary. In other words, Mr. Sargent has directly received the same relief which is requested by the variance petition, i.e., request number 1, a reduction in the tract boundary setback in lieu of 35 feet. Also, my clients have requested that I stress the fact that there are numerous other such windows throughout the subdivision as set forth in the photographic evidence.

Very truly yours,

David M. Meadows
David M. Meadows

cc: Mr. Thomas O. Frech
Anthony J. DiPaula, Esquire

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF PERMITS AND LICENSES
TOWSON, MARYLAND 21204

BUILDING PERMIT

PERMIT #: B226100 CONTROL #: NR DIST: 11 PREC: 09
DATE ISSUED: 03/02/95 TAX ACCOUNT #: 2100009783 CLASS: 04

PLANS: CONST 2 PLOT 0 R PLAT 0 DATA 0 ELEC YES PLUM YES
LOCATION: 4422 CAMELLIA RD
SUBDIVISION: BROOKHURST

OWNERS INFORMATION
NAME: FRECH HOMES, INC.
ADDR: 5024 CAMPBELL BLVD., STE. M 21236

TENANT: FRECH HOMES, INC.
CONTR: FRECH HOMES, INC.
ENGR: FRECH HOMES, INC.
SELL: FRECH HOMES, INC.

WORK: CONSTRUCT SFD WITH AN ATTACHED 2 CAR GARAGE AND FIREPLACE. OUTSIDE PROJECTION OF CHIMNEY NOT TO EXCEED 4X10. 44'4X42X34'4055 SF. 5 BEDRM THIS PERMIT CANCELS B214274. CHANGE IN CONST. TO INCLUDE SIDE WINDOWS. REFER BACK FOR SITE PLANS. PERMIT EXPIRES 10/20/95.

B.L.C. CODE: 8004 CODE OWNERSHIP: PRIVATELY OWNED
ESTIMATED \$ PROPOSED USE: SFD
95,000.00 EXISTING USE: VACANT LOT

TYPE OF IMPRV: NEW BUILDING CONSTRUCTION
USE: ONE FAMILY
FOUNDATION: BLOCK
SEWAGE: PUBLIC EXIST

BASEMENT: FULL
WATER: PUBLIC EXIST

LOT SIZE AND SETBACKS
SIZE: .219 AC
FRONT STREET: 20
SIDE STREET: 5/30
SIDE STR SETB: 45
REAR SETB: 45

PETITIONER'S EXHIBIT 2

PLEASE REFER TO PERMIT NUMBER WHEN MAKING INQUIRIES.

PETITIONER'S EXHIBIT 3

NO MECHANICAL OR ELECTRICAL REVIEW
THE REVIEW OF THESE PLANS DOES NOT RELIEVE THE OWNER, ARCHITECT, ENGINEER OR CONTRACTOR OF ANY RESPONSIBILITY FOR THE DESIGN, CONSTRUCTION OR PERFORMANCE OF THE WORK. THE REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE PLANS AND DOES NOT INCLUDE DESIGN OR CONSTRUCTION DETAILS.

SEE NOTES AND ATTACHED SHEET
DISTRICT 11/9 PERMIT # B226100
CANCEL FIELD COPY
COMPLETION

PERMIT #: B214274

DIMENSIONS - INSTALL & EXISTING

GARAGE DISP	FLOOR	SIZE	LOT SIZE AND SETBACKS
Y	4055	44'4"	FRONT STREET
Y	44'4"	44'4"	SIDE STREET
Y	44'4"	44'4"	REAR SETB
Y	44'4"	44'4"	REAR SETB

DATE APPLIED: 10/03/94 INSPECTOR INITIALS: 11R
DATE: 03/02/95
PAID BY: APPL

PROTESTANT'S EXHIBIT NO. 2

January 19, 1995

To: Thomas Frech
Logos Homes
5024 Campbell Blvd. Suite M
Baltimore, MD, 21236

From: Thomas Sargent
4420 Camellia Rd.
Baltimore, MD 21236

Mr. Frech:

This letter is a follow up to a conversation we had on January 17 concerning workers repeatedly walking across our lawn while building a new home behind our house. This practice is ruining our grass and must stop immediately. Worse yet they have been belligerent and unpleasant when we repeat our requests that they stop. Your intervention in this matter will be greatly appreciated.

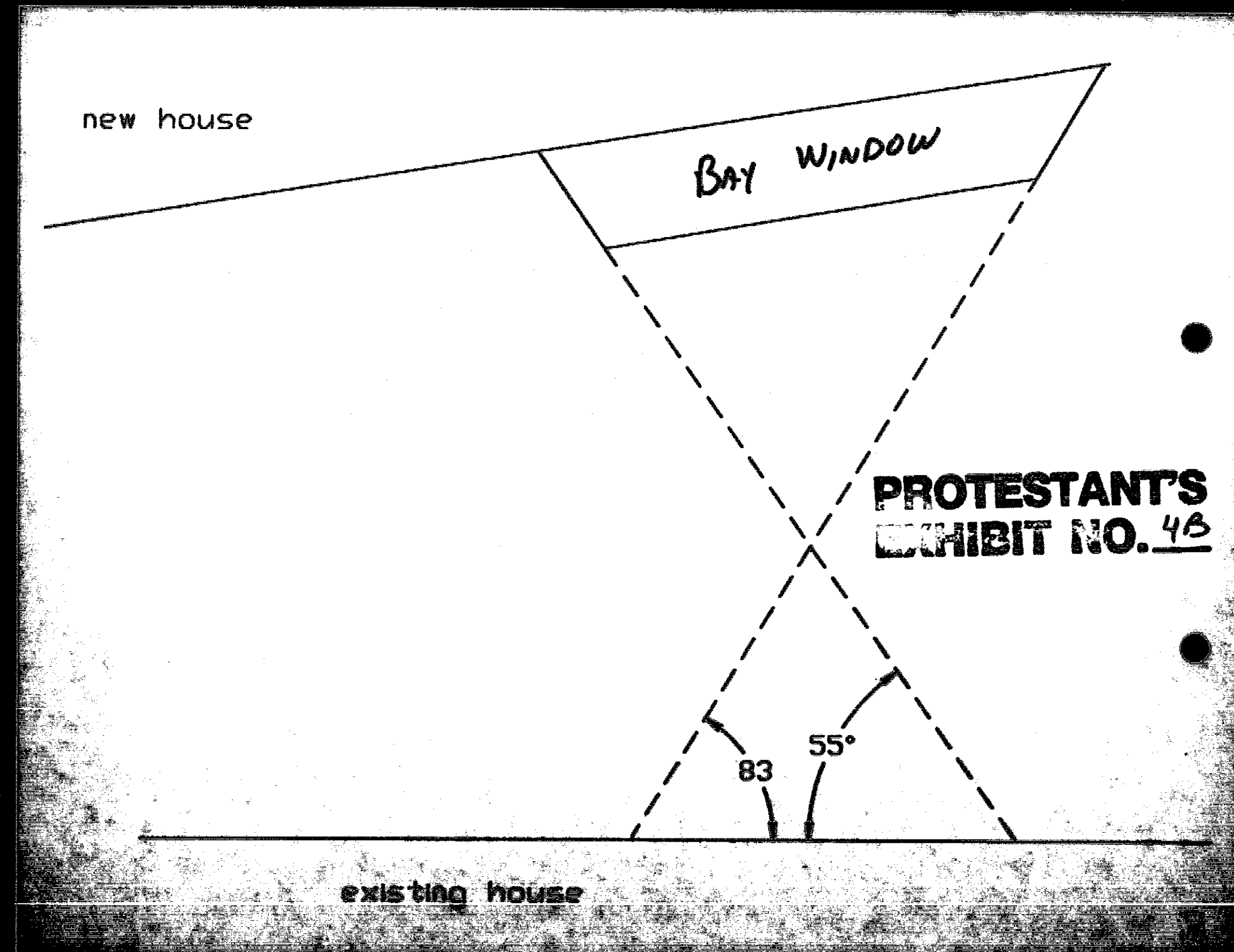
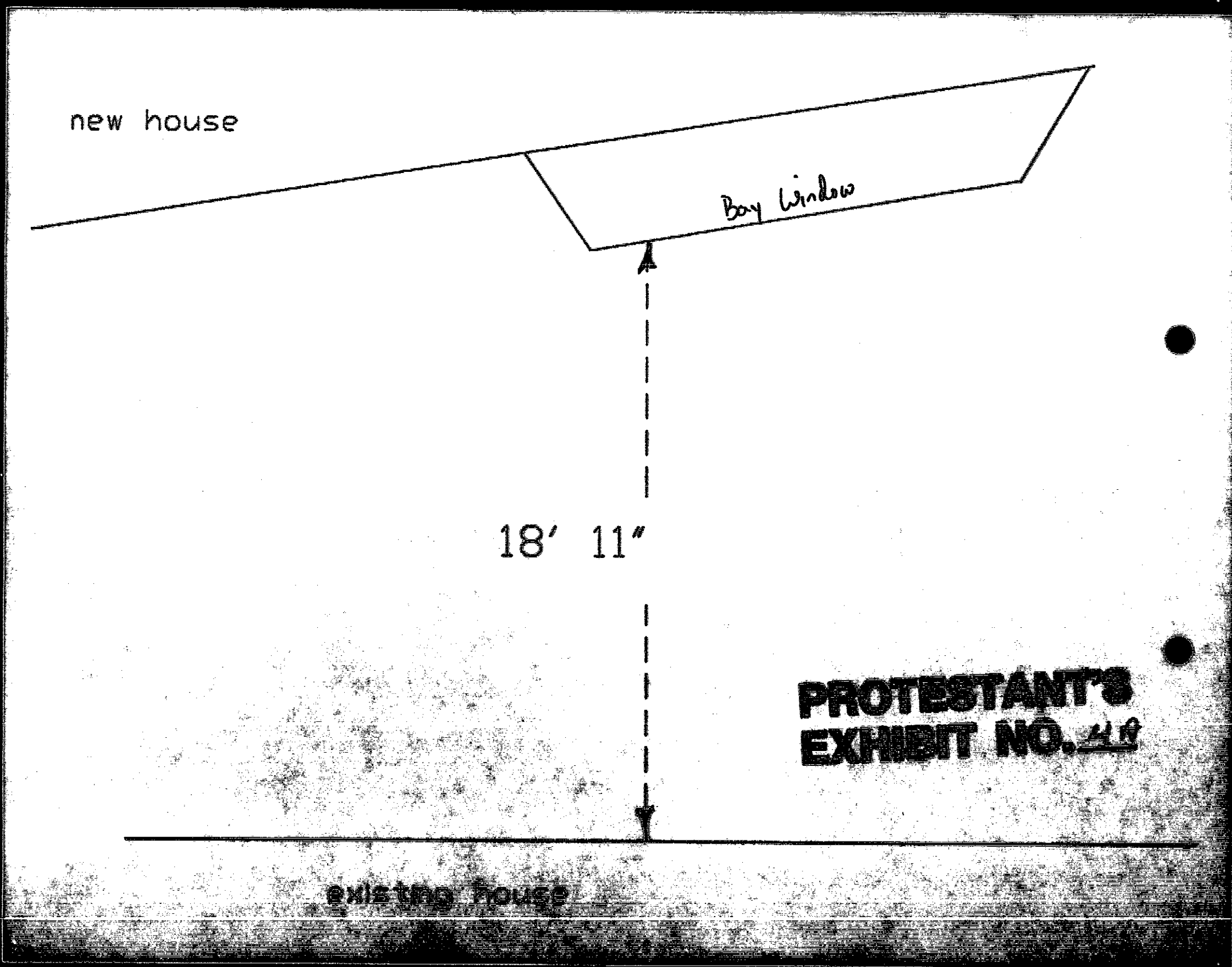
Also per our conversation I will proceed to get quotes and erect a fence on the back property line. The new fence will be similar in height and appearance to other fences in the neighborhood. I appreciate your consent, and indication of possible assistance in the cost of the fence.

Finally I see that there are several windows on the side of the house facing my house, all of which are not allowed per your building permit # B214274. Installing non see through glass is not acceptable, since the glass could easily be changed in the future.

Your immediate attention in this matter will be appreciated.

Yours truly,
Thomas Sargent

PROTESTANT'S EXHIBIT NO. 3



APPLICATION FOR BUILDING PERMIT

PERMIT #: B226100 CONTROL #: NR DIST: 11 PREC: 09

LOCATION: 4422 CAMELLIA RD
SUBDIVISION: BROOKHURST
TAX ASSESSMENT #: 2100009783

OWNERS INFORMATION
NAME: FRECH HOMES, INC.
ADDR: 5024 CAMPBELL BLVD., STE. M 21236

APPLICANT INFORMATION
NAME: WILLIAM DREYER
COMPANY: FRECH HOMES, INC.
ADDR1: 5024 CAMPBELL BLVD., STE. M
ADDR2: BALTIMORE, MD, 21236
PHONE #: 931 4500

NOTES
RSK

TRACT: BLOCK
PLANS: CONST 2 PLOT 0 R PLAT 0 DATA 0 ELEC YES PLUM YES
TENANT: FRECH HOMES, INC.
CONTR: FRECH HOMES, INC.
ENGR: FRECH HOMES, INC.
SELL: FRECH HOMES, INC.

WORK: CONSTRUCT SFD WITH AN ATTACHED 2 CAR GARAGE AND FIREPLACE. OUTSIDE PROJECTION OF CHIMNEY NOT TO EXCEED 4X10. 44'4X42X34'4055 SF. 5 BEDRM THIS PERMIT CANCELS B214274. CHANGE IN CONST. TO INCLUDE SIDE WINDOWS. REFER BACK FOR SITE PLANS. PERMIT EXPIRES 10/20/95.

PROPOSED USE: SFD
EXISTING USE: VACANT LOT

B.L.C. CODE: 8004 CODE OWNERSHIP: PRIVATELY OWNED
ESTIMATED COST OF MATERIAL AND LABOR: \$95,000.00

TYPE OF IMPRV: NEW BUILDING CONSTRUCTION
USE: ONE FAMILY
FOUNDATION: BLOCK
SEWAGE: PUBLIC EXIST
CONSTRUCTION: WOOD FRAME
CENTRAL AIR: YES

BASEMENT: FULL
WATER: PUBLIC EXIST
FUEL: ELECTRICITY

SINGLE FAMILY UNITS
TOTAL 1 FAMILY BEDROOMS: 5
MULTI FAMILY UNITS
EFFICIENCY (NO SEPARATE BEDROOMS): NO. OF 1 BEDROOM:
NO. OF 2 BEDROOMS: NO. OF 3 BEDROOMS OR MORE:
TOTAL NO. OF BEDROOMS: TOTAL NO. OF APARTMENTS:

PROTESTANT'S EXHIBIT NO. 5

PAGE 1 OF 2

To: Baltimore County Zoning Board:
From: Residents of Brookhurst North, section 2
To whom it may concern;

During the course of purchase and construction of our home, we understood that no windows were allowed if there was to be less than 40 feet between windows on adjoining homes. This was information given by Logos homes. Some of us were denied bay windows, and regular side windows based on this information.

The new home now being built at 4422 Camellia Road has 5 windows on one side facing the rear of 4420 Camellia, and only 18 to 20 feet separate the homes.

Clearly this is inconsistent with what we have been told in the past regarding County rules and regulations, and we see no reason why there should be an exception for the home at 4422 Camellia.

Name	Address	Date
Richard + Darlene Cuomo	4419 Camellia Rd	3/12/95
Steve + Nancy Doby	4426 Camellia Rd.	3/12/95
Jack + Ellen Nehmsmann	4431 Camellia Rd	3/12/95
Angela + Linnette Sant Antonio	4423 Camellia Rd	3/12/95
Jany + Sharon Sacra	9302 GARDENIA RD.	4/9/95
James + Joyce Walter Jr	4424 Camellia Rd	4/9/95

PROTESTANT'S
EXHIBIT NO. 7

Protestants
Exhibits 1A-1F
and
6A-6D
photographs

